

CM/ECF
(Case Management/Electronic Case Files)
User Manual
and
Administrative Procedures



United States District Court
District of South Dakota

TABLE OF CONTENTS

1. CM/ECF BASICS	1
INTRODUCTION.....	1
HOW ELECTRONIC FILING WORKS	1
HARDWARE AND SOFTWARE REQUIREMENTS.....	2
MANDATORY E-FILING	3
EXCEPTIONS TO MANDATORY E-FILING.....	4
REGISTRATION AND TRAINING.....	4
PACER	5
FORMATING PDF DOCUMENTS FOR E-FILING	7
How to Convert a Document to PDF	7
How to Scan a Document to PDF so it has OCR Functionality	8
Determining if a PDF Document has OCR Functionality	10
Scanning, Best Practices	10
SIZE OF PDF DOCUMENTS.....	11
EXHIBITS AND OTHER ATTACHMENTS	12
EVENTS.....	14
PAY.GOV.....	15
REDACTING DOCUMENTS.....	16
REDACTION TIPS.....	17
HYPERLINKS.....	18
SIGNATURES.....	18
SERVICE OF DOCUMENTS.....	19
NOTICE OF ELECTRONIC FILING (NEF) E-MAIL	20
WHAT CONSTITUTES E-FILING/OFFICIAL RECORD	22
E-FILING CIVIL CASE INITIATING DOCUMENTS.....	22
DOCUMENTS ENTERED BY THE COURT	25
NOTICE OF COURT ORDERS AND JUDGMENTS	25
ACCESS LEVEL RESTRICTIONS.....	26
Case Restrictions	26
Docket Entry Restrictions.....	26
Document Restrictions	27

SEALED DOCKET ENTRIES.....	28
SEALED DOCUMENTS	29
Plea and Sentencing Related Documents	30
Unredacted Documents.....	31
Motions to Seal and their Attachments	32
Documents Subject to a Protection Order	33
Attachments Subject to a Protection Order.....	34
RESTRICTED DOCKET ENTRIES	35
Ex Parte Documents	36
Petitions to Revoke.....	37
Notices of Filing Error.....	37
Notices of Withdrawal and Substitution of Attorney (filed in criminal cases)	38
RESTRICTED DOCUMENTS	38
Presentence Reports, Bail Reports, and Recommended Special Conditions.....	39
Social Security Appeal and Immigration Cases.....	40
ACCESSING RESTRICTED DOCUMENTS	40
TRANSCRIPTS	41
2. ELECTRONIC FILING IN CM/ECF.....	42
ACCESSING CM/ECF	42
LOGGING INTO CM/ECF	43
PREPARING TO E-FILE IN CM/ECF	46
STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE	47
STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CIVIL CASE	61
STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CRIMINAL CASE.....	71
NEF RECEIPT.....	82
E-FILING OTHER DOCUMENTS.....	84
DOCUMENTS E-FILED IN ERROR	86
3. OTHER CM/ECF MENU OPTIONS.....	91
QUERY MENU	91
REPORTS MENU	95
Docket Sheet	97
Civil Cases	99
Criminal Cases	100
Calendar Events	100

Docket Activity	101
Written Opinions	102
Internet Payment History	102
UTILITIES MENU	103
Maintain Your Account	103
Maintain Your E-mail.....	104
Maintain Your Password	106
View Your Transaction Log	106
Change Client Code.....	107
Review Billing History	107
Show PACER Account.....	107
Remove Default PACER Account	107
Court Information.....	108
Legal Research	109
Mailings	109
Verify a Document	109
Review Announcement Notices	109
SEARCH MENU	109
LOGOUT	111
4. CM/ECF ASSISTANCE	112
CLEARING YOUR WEB BROWSER’S CACHE	112
TROUBLESHOOTING	112
HELP DESK.....	113
REVISION CONTROL LOG.....	114

1. CM/ECF BASICS

INTRODUCTION

The United States District Court for the District of South Dakota utilizes a comprehensive system called Case Management/Electronic Case Files (CM/ECF) to maintain electronic civil and criminal case files and offer electronic filing. With some exceptions, attorneys are required to electronically file (e-file) their civil and criminal case documents in CM/ECF. Attorneys, pro se parties, and the public can access these documents and other case information stored in CM/ECF over the internet utilizing Public Access to Court Electronic Records (PACER), an electronic public access service, or at the public access terminals located in the Clerk's Office.

This CM/ECF User Manual and Administrative Procedures (user manual) is intended to provide the information necessary for an attorney (or other authorized filer) to e-file case documents, access case documents and other information stored in CM/ECF, and manage his or her CM/ECF user account. This user manual is referenced in the local rules of practice of this district court.

All of the federal courts, including this district court, are in the process of transitioning from CurrentGen CM/ECF to NextGen CM/ECF, the latest iteration of CM/ECF. NextGen CM/ECF will provide attorneys with a new interface for accessing CM/ECF and allow attorneys to use one login and password to access case documents and other information stored in CM/ECF and to e-file documents in several different federal courts. Currently, attorneys are required to maintain a PACER account for accessing certain case documents and information stored in CM/ECF and separate additional CM/ECF user accounts to e-file documents in different federal courts, each requiring a separate login and password. The United States District Court for the District of South Dakota anticipates transitioning from CurrentGen CM/ECF to NextGen CM/ECF in 2019. Some courts, including the United States Court of Appeals for the Eighth Circuit, have already transitioned to NextGen CM/ECF.

HOW ELECTRONIC FILING WORKS

Filers can electronically file civil and criminal case documents 24 hours a day, seven days a week, over the internet, with no additional filing fees. Filers can file case documents from their offices or homes right up until a filing deadline without worrying about postage, messenger services, weather problems, or traffic congestion.

Generally, to e-file, filers create their documents on their computers just as they normally do. Instead of printing their documents on paper, however, filers save their documents in portable

document format (PDF). Filers then access CM/ECF via the internet using a web browser. After establishing his or her identity by providing a court-assigned login and password, the filer indicates the case number a particular document applies to, the party the document is being filed on behalf of, and the type of document (motion, response, etc.) being filed. The document is then sent over the internet to the district court's computer server which immediately sends a receipt back to the filer's computer screen verifying the document has been received. When the document is received by the district court's computer server, CM/ECF automatically creates a docket entry for the document and makes both the updated docket sheet as well as the document itself instantly available for viewing by anyone with internet access. When the document is received, CM/ECF also immediately sends e-mail notification of the filing to each of the participants involved in the case who are set up to receive electronic notice.

HARDWARE AND SOFTWARE REQUIREMENTS

Filers need the following hardware and software to electronically file documents in CM/ECF:

- A computer running a standard operating system such as Microsoft Windows. Microsoft Windows is the only operating system supported by the CM/ECF Help Desk.
- Word processing software. A word processing program which can convert documents created using that program into portable document format (PDF) is recommended. CM/ECF is designed to accept only documents in PDF format.
- Internet service.
- A JavaScript-enabled web browser. The latest versions of Microsoft Internet Explorer and Mozilla Firefox are recommended.
- Adobe Acrobat or other PDF writer software for converting documents from word processing format into portable document format. Adobe Acrobat's portable document format (PDF) is the key to CM/ECF because it allows an electronically filed document to retain its original pagination and formatting regardless of what type of equipment is used to look at the document or print the document.
- Adobe Acrobat Reader or other PDF viewer software for viewing documents in PDF format. Adobe Acrobat Reader is the most widely used PDF viewer and is available for free.
- A scanner for converting documents not already in PDF format into PDF format.
- A CM/ECF user account with a login and password issued by this district court for electronically filing documents in CM/ECF.

- A separate PACER account with a login and password issued by the PACER Service Center for accessing certain documents and other case information in CM/ECF.
- An e-mail account for receiving electronic notice of documents filed in CM/ECF.

MANDATORY E-FILING

Except for the documents listed in the [EXCEPTIONS TO MANDATORY E-FILING](#) section of this user manual, attorneys are required to register with CM/ECF and electronically file all of their case documents with this district court and receive electronic notice of documents filed in their district court cases. This includes nonresident attorneys authorized to represent the United States pursuant to D.S.D. Civ. LR 83.2(F) and D.S.D. Crim. LR 44.1(F). For good cause, individual attorneys may be granted an exemption from these requirements (*e.g.*, technical difficulties e-filing a document). A [CM/ECF Attorney Registration Form](#) is available on the district court's website.

Attorneys admitted pro hac vice cannot sign or file case documents with this district court, however, pursuant to D.S.D. Civ. LR 5.1 and D.S.D. Crim. LR 49.1 they are still required to register with CM/ECF for the purpose of receiving electronic notice of documents filed in their district court cases. Pursuant to D.S.D. Civ. LR 83.2(E) and D.S.D. Crim. LR 44.1(E), local counsel must sign and file all case documents.

Unlike attorneys who are required to e-file their case documents in CM/ECF and receive electronic notice of documents filed in their district court cases, prisoner pro se parties cannot e-file documents in CM/ECF and they do not receive electronic notice of documents filed in their district court cases. *Non-prisoner* pro se parties, however, may request to receive electronic notice of documents filed in their district court cases. Additionally, non-prisoner pro se parties may request permission from the court to e-file documents in CM/ECF on a case-by-case basis. Non-prisoner pro se parties who are granted permission to e-file documents in CM/ECF are exempted from D.S.D. Civ. LR 5.1(B)(2)(b) and D.S.D. Crim. LR 49.1(B)(2)(b) which require pro se parties to deliver "original [filed document(s)] to the clerk within 14 days of service on the opposing party or parties." More information about non-prisoner pro se parties e-filing documents in CM/ECF is contained in the [CM/ECF Pro Se Litigant Application Form](#) available on the district court's website.

For more information about electronic notice of documents, see the [SERVICE OF DOCUMENTS](#) section of this user manual.

EXCEPTIONS TO MANDATORY E-FILING

Electronic filing is not allowed in *sealed* cases, including criminal cases involving juvenile defendants.

The following types of documents are also excluded from mandatory electronic filing by attorneys in *unsealed* cases:

- Criminal charging documents.
- Sealed documents and attachments in civil cases.
- Sealed documents and attachments in criminal cases—except for some sealed plea and sentencing related documents. For a list of these sealed plea and sentencing related documents see the [SEALED DOCKET ENTRIES](#) and [SEALED DOCUMENTS](#) sections of this user manual.
- Motions to seal (and the subject of the motion) in civil and criminal cases.
- A request for issuance of summons(es) when accompanied by a complaint in a civil case.

Originals of the above-listed types of documents must contain the filer's original ink signature and be manually delivered to the Clerk's Office for filing. Copies of these documents must also be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court.

Documents containing a criminal defendant's original signature must be electronically filed. In the past, these documents were excluded from mandatory electronic filing. As of December 1, 2015, these documents are no longer excluded.

Beginning January 1, 2018, civil case initiating documents can be (but are not required to be) electronically filed in a divisional shell case. For more information, see the [E-FILING CIVIL CASE INITIATING DOCUMENTS](#) and [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#) sections of this user manual.

For more information about mandatory e-filing, see the [MANDATORY E-FILING](#) section of this user manual.

IMPORTANT Documents manually filed with the Clerk's Office **MUST** contain the filer's actual ink signature.

REGISTRATION AND TRAINING

To access CM/ECF to electronically file court documents, filers are issued a login and password for a CM/ECF user account with this district court. To obtain a CM/ECF login and password attorneys must register by completing a [CM/ECF Attorney Registration Form](#) and be trained

on how to e-file documents in CM/ECF. Only attorneys admitted to this court's bar will be issued a CM/ECF login and password. Training may be waived for attorneys who have previously received training in another district court or in bankruptcy court in the District of South Dakota. Attorneys who are admitted pro hac vice are not issued a CM/ECF login and password because they cannot electronically file documents in this district court.

A non-prisoner pro se party who wants to electronically file documents may seek approval to do so from the court on a case-by-case basis by completing a [CM/ECF Pro Se Litigant Application Form](#). A non-prisoner pro se party who is approved to e-file documents must be trained on how to e-file documents in CM/ECF before he or she will be issued a CM/ECF login and password.

Attorneys *joining* the U.S. Attorney's Office or the Federal Public Defender's Office in the District of South Dakota are required to register for a secondary CM/ECF user account if they already have a CM/ECF user account and have previously practiced before this district court. Similarly, attorneys *leaving* the U.S. Attorney's Office or the Federal Public Defender's Office in the District of South Dakota are also required to register for a secondary CM/ECF user account if they intend to continue practicing before this district court.

Except as noted above, attorneys do not need to register for a CM/ECF login and password more than once. When an attorney changes law firms, his or her CM/ECF login and password remain the same.

CM/ECF user account holders are required to keep the e-mail addresses associated with their CM/ECF user accounts up-to-date. When a CM/ECF user account holder's other contact information changes, particularly mailing information, the account holder should submit a completed [CM/ECF Information Update Form](#) to the Clerk's Office. This form is available on the district court's website.

CM/ECF user account holders may not knowingly permit their CM/ECF login and password to be used by anyone other than an authorized agent. Account holders must protect the security of their CM/ECF login and password and immediately notify the Clerk's Office if they suspect their password has been compromised. Failure to do so may result in sanctions by the court.

PACER

Public Access to Court Electronic Records (PACER) is an electronic public access service available via the internet through the [PACER Service Center](#). PACER allows users to remotely access documents and other case information in any United States district court, United States bankruptcy court, or United State court of appeals as soon as the documents or other case information are entered in the local court's CM/ECF system. Documents and case information

are available for viewing through PACER 24 hours a day, 7 days a week, including weekends and holidays, to multiple users at the same time. Documents and case information are also available at the public access terminals located in the Clerk's Office in Sioux Falls, Rapid City, and Pierre.

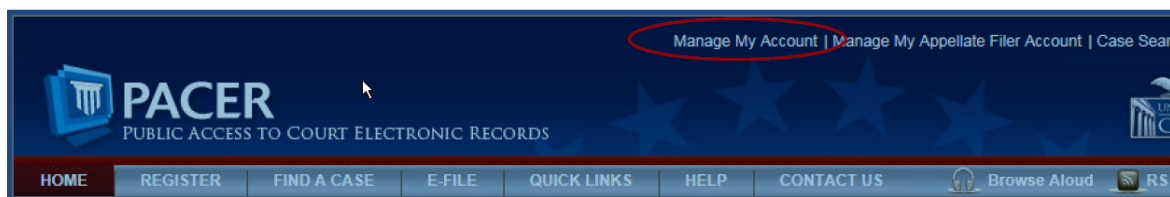
A CM/ECF user account holder in this district court is required to have a PACER account. A PACER account is necessary to look at certain types of documents entered in CM/ECF. Criminal Justice Act (CJA) panel attorneys should register for two PACER accounts, including a fee exempt account for doing CJA related work. Fee exempt usage is closely monitored and CJA panel attorneys who use their fee exempt PACER account for other than legitimate CJA related work may have access to their account terminated.

Access to case information (other than fee-exempt information) via PACER costs ten cents per page. PACER access fees are capped at \$3.00 per document. This cap does not apply to name searches, reports which are not case-specific, or transcripts of court proceedings. For billing purposes, attachments to documents are each considered separate documents. The PACER Service Center bills quarterly, however, quarterly PACER access fees are waived when they total less than \$15.

There is no charge for looking at documents and case information at the public access terminals located in the Clerk's Office in Sioux Falls, Rapid City, and Pierre. However, there are fees associated with printing documents at the public access terminals located in the Clerk's Office. The Clerk's Office cannot make change so exact change is required when paying for printed documents.

When the United States District Court for the District of South Dakota is ready to transition from CurrentGen CM/ECF to NextGen CM/ECF, CM/ECF user account holders will be required to upgrade their PACER accounts. Following the transition, approved CM/ECF user account holders will be able to use their upgraded PACER accounts to access case documents and other information entered in CM/ECF *and* e-file documents in this district court and any other federal court which has already transitioned to NextGen CM/ECF using a single login and password. In other words, filers will no longer be required to maintain a PACER account to access case documents and other information stored in CM/ECF and separate additional CM/ECF user accounts to e-file documents in different federal courts. This new functionality is known as Central Sign On.

You can upgrade your current PACER account at any time by going to the [PACER Service Center](#) website and clicking on **Manage My Account** at the top of the home page.



Your upgraded PACER account will have new security features, including self-service login retrieval and a password reset feature. These features require your upgraded account to have a valid e-mail address, security questions and answers, and a date of birth on file.

Although only attorneys and approved non-prisoner pro se parties can acquire a CM/ECF user account for electronically filing documents, anyone can register for a PACER account to access case documents and other information stored in CM/ECF. To register for a PACER account or to obtain more information about PACER go to the [PACER Service Center](#) website or call the PACER Service Center at 1-800-676-6856.

IMPORTANT Although PACER access fees apply when accessing documents and other case information stored in CM/ECF, no fees apply when electronically filing documents in CM/ECF.

FORMATING PDF DOCUMENTS FOR E-FILING

All documents electronically filed in CM/ECF must be in PDF format. Adobe Acrobat's portable document format (PDF) is the key to CM/ECF because it makes all documents viewable and printable in their original format on any type of equipment regardless of whether the documents were scanned or created using word processing software.

Documents created using word processing software can easily be converted to PDF by saving them to PDF. Other documents not converted to PDF must be scanned to PDF. When there is an option of scanning or converting a document to PDF, it is best to convert the document. Converted documents are usually smaller and automatically have Optical Character Recognition (OCR) functionality. OCR functionality is desirable because documents with OCR functionality can be searched for words and phrases and sections can be highlighted and/or copied. In addition, CM/ECF has certain size limitations and converted documents are generally smaller.

How to Convert a Document to PDF

It is best to convert a document created using Microsoft Word or other word processing software to PDF by *saving* the document to PDF. On the other hand, it is best to convert a fillable form created using Adobe Acrobat-compatible software to PDF by *printing* it to PDF. Saving a

fillable form to PDF will keep all of the text fields fillable and editable, whereas printing the form to PDF will strip out the formatting so the text fields are longer editable.

Following are steps for saving a document created in Microsoft Word to PDF. (These steps may vary depending on which version of Microsoft Word is used.)

Steps for Saving a Document to PDF:

- Open the document to be converted.
- Click the **File** tab.
- Select **Save As** from the list of options.
- Select a location for the new PDF document to be saved.
- In the **Save as type** box, select **PDF (*.pdf)** from the drop-down list.
- Name the new PDF document (the file type will default to .pdf).
- Click the **Save** button. The new PDF document will be saved in the selected location under the new PDF file name. The original document will remain open on the screen in its native format.

Following are steps for printing a fillable form to PDF using Adobe Acrobat. (These steps may vary depending on which version of Adobe Acrobat is used.)

Steps for Printing a Fillable Form to PDF:

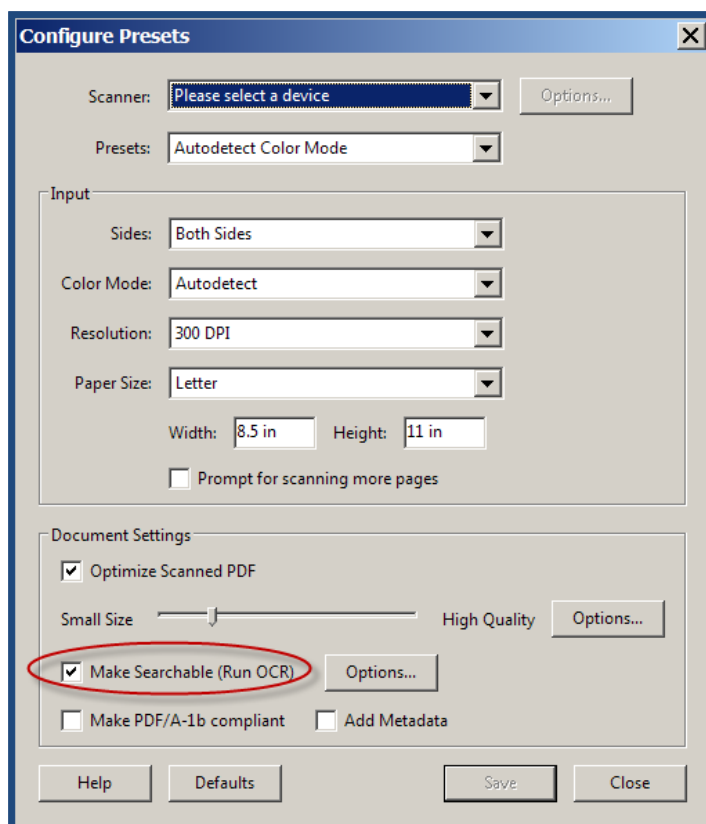
- Complete the fillable form.
- Select **Print** on the menu bar.
- Click the dropdown menu for the Printer field and select **Adobe PDF**.
- Click on **Print**.
- The completed form does not print. Instead, a window opens allowing you to save the completed form. Select a location for the new completed form to be saved.
- Select a file name for the completed form in the **File name:** field.
- Verify the file type is **PDF files (*.PDF)** in the **Save as type** field.
- Click the **Save** button. The completed form is now saved as a PDF file in the designated location. The original fillable form is not altered.

How to Scan a Document to PDF so it has OCR Functionality

Scanned documents should have OCR functionality so they can be searched for words and phrases and sections can be highlighted and/or copied. Documents can be scanned to PDF so they have OCR functionality using either a desktop scanner or a copier in the following ways:

Desktop Scanner:

Documents scanned to PDF on a desktop scanner will have OCR functionality when the **Make Searchable (Run OCR)** checkbox is checked as indicated below:



To make sure this box is checked, follow these steps while using Adobe Acrobat. (These steps may vary depending on which version of Adobe Acrobat is used.)

- Click **File** on the menu bar.
- Click on **Create PDF** in the drop-down list.
- Click on **From Scanner** in the drop-down list.
- Click on **Configure Presets** in the drop-down list.
- Click the **Make Searchable (Run OCR)** box.
- Click the **OK** button.

Copier:

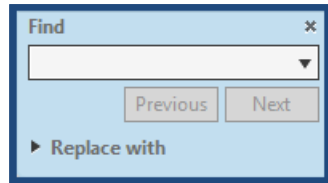
Documents that have been scanned to PDF on a copier will have OCR functionality when the following steps are taken while using Adobe Acrobat. (These steps may vary depending on which version of Adobe Acrobat is used.)

- Open the scanned PDF document in Adobe Acrobat.
- Click **Document** on the menu bar.
- Click on **OCR Text Recognition** in the drop-down menu.
- Select **Recognize Text Using OCR**.
- Click the **OK** button.

Determining if a PDF Document has OCR Functionality

Documents electronically filed in CM/ECF should have OCR functionality. To determine if a PDF document will have OCR functionality before e-filing it, follow these steps while using Adobe Acrobat. (These steps may vary depending on which version of Adobe Acrobat is used.)

- Open the PDF document.
- Hold down the Ctrl + F keys so the **Find** dialog box opens.



- In the **Find** dialog box, enter a known word or phrase in the document.
- Click on **Next** in the **Find** dialog box.
- If the word or phrase is highlighted in the document, the document has OCR functionality.
- If the word or phrase is not highlighted, the document does NOT have OCR functionality.

Scanning, Best Practices

As requested by the National Archives and Records Administration, documents scanned to PDF should have a minimum resolution of 300 ppi (pixels per inch). If a scanner is set to less than 300 ppi, documents may become illegible when they are later archived. If a scanner is set to more than 300 ppi, documents will be unnecessarily large. For information about the size limitations of PDF documents e-filed in CM/ECF, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

Documents should be scanned in black and white. Documents should not be scanned in grayscale. Color documents, including, but not limited to color photographs and highlighted documents, can be scanned in color and electronically filed in CM/ECF. However, documents should not be scanned in color unless the court needs to see something in color. A document should *not* be scanned in color just because it was signed in blue ink.

Check documents for handwriting, marginalia, and other content which may not scan clearly. Consider making a copy of the document before scanning it to PDF to darken such content so it is legible after it is electronically filed in CM/ECF.

Use white or light colored exhibit stickers to mark exhibits and attachments. Blue exhibit stickers often turn black when scanned and become illegible.

Consider requesting a deposition transcript in electronic format from a court reporter so excerpts of the deposition do not need to be scanned before e-filing.

IMPORTANT Filers are strongly encouraged to verify a document's content and legibility before electronically filing the document.

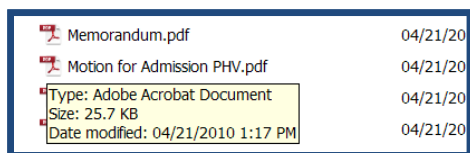
SIZE OF PDF DOCUMENTS

CM/ECF cannot accommodate filing PDF documents larger than the following:

- A *single* PDF document (either the main document *or* an attachment to the main document) cannot be larger than 12 megabytes (MB). Twelve megabytes (12MB) equals 12,288 kilobytes (12,288KB).
- A *merged* PDF document (including the main document *and* all of its attachments) cannot be larger than 40 megabytes (MB). Forty megabytes (40MB) equals 40,960 kilobytes (40,960KB).

If a *merged* PDF document is larger than 40MB when a filer tries to electronically file it, the CM/ECF system may “timeout” and the filer will have to start the entire filing process over again with smaller documents.

To determine the size of a *single* PDF document before attempting to e-file it, briefly rest your mouse pointer over the PDF document file on your computer until a pop-up window opens. The window will contain information about the PDF document, including the size of the PDF document.



If a *single* PDF document is larger than 12MB, the filer should first check his or her PDF writer program to see if it has a feature which can automatically condense or reduce the size of the PDF document. If a single document is still too large after condensing or reducing it, it must be divided into two or more smaller parts. When possible, the document should be divided at logical places, such as between sections or chapters.

If a filer has already done everything possible to reduce the sizes of each *single* PDF document and a *merged* PDF document (the main document and all of its attachments) still exceeds 40MB,

the merged document will have to be e-filed in CM/ECF during two or more transactions. Following are the steps involved in filing a document during multiple transactions.

Step	Action
1.	E-file the main document (<i>e.g.</i> , Affidavit in Support of Motion) and as many attachments as possible (up to the 40MB threshold) using the appropriate event. <u>Note:</u> When prompted to “Select the appropriate event(s) to which your event relates,” select the previously-filed document (usually a pending motion) to which your document relates. This will create a link between these two related documents.
2.	E-file the main document (<i>e.g.</i> , Affidavit in Support of Motion) <i>again</i> (or a placeholder if the main document is very large) and the remaining attachments using the Supplement event. <u>Note:</u> When prompted to “Select the appropriate event(s) to which your event relates,” select <u>both</u> the original document to which your document relates <i>and</i> the document e-filed in Step 1 above. This will create a link between these three related documents.
3.	If necessary, repeat Step 2. <u>Note:</u> When prompted to “Select the appropriate event(s) to which your event relates,” select the original document to which your document relates <i>and</i> the documents e-filed in <u>both</u> Steps 1 and 2 above. This will create a link between these four related documents.

For more information about linking documents, see the [E-FILING OTHER DOCUMENTS](#) section of this user manual. For more information about events, see the [EVENTS](#) section of this user manual.

EXHIBITS AND OTHER ATTACHMENTS

All documents, including exhibits and other attachments, must also be scanned or converted to PDF and electronically filed in CM/ECF unless they are excluded from mandatory filing or are items which cannot be scanned to PDF. For a list of the types of documents that are excluded from mandatory e-filing, see the [EXCEPTIONS TO MANDATORY E-FILING](#) section of this user manual. Documents excluded from mandatory e-filing and items which cannot be scanned to PDF must be manually filed by delivering them to the Clerk’s Office with a cover sheet stating why they are being manually filed. Documents and items which are manually filed with the Clerk’s Office must be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court.

Exhibits and attachments must each be scanned or converted to PDF *separately* and *attached separately* to the main document, with the following *exceptions* which should be scanned to PDF together as one document:

- Multiple letters of support filed in a criminal case.
- Multiple victim impact statements filed in a criminal case.
- Multiple supporting documents related to sentencing in a criminal case.
- Multiple civil summonses filed in a divisional shell case.

- An attachment with attachments.
- An appendix to an appeal brief.

In addition to scanning or converting exhibits and attachments to PDF and attaching most of them separately (see exceptions above), exhibits and attachments must also be properly described when they are electronically filed. “Exhibit A – Photo,” Exhibit A – Photo of House,” “Exhibit 2 – Letter,” and “Exhibit 2 – Letter signed by Shane Brown” are examples of properly described attachments. “Exhibit,” “Exhibit A,” and “Exhibit 2” are examples of insufficiently described exhibits. For more information about describing exhibits and attachments, see Step 9 of the [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#) and Step 6 of the [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CIVIL CASE](#) and [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CRIMINAL CASE](#) sections of this user manual.

An appendix to an appeal brief should not be attached to the appeal brief. If possible, the entire appendix, including the table of contents, should be scanned as one document and electronically filed using the **Appendix** event. See the [SIZE OF PDF DOCUMENTS](#) section of this user manual for information about reducing the size of a PDF document. If the appendix is still too large to file as one document, it must be divided into smaller parts and e-filed.

Color documents, including, but not limited to color photographs and highlighted documents, can be scanned in color and e-filed as exhibits or attachments.

Excerpts of referenced documents which are directly germane to the matter under consideration by the court may be attached to a document e-filed in CM/ECF. Excerpted material should be clearly and prominently identified as such and highlighting or underlining of relevant portions is encouraged. Parties who e-file excerpts of documents do so without prejudice to their right to timely file additional excerpts. Responding parties may e-file additional excerpts they believe are directly pertinent. The court may also require parties to file additional excerpts or the complete document. When excerpts of deposition transcripts are attached to a document, full-sized transcripts and not condensed transcripts should be utilized.

Any party moving to amend a pleading in a civil case must attach a copy of the proposed amended pleading to the motion to amend with the proposed changes highlighted or underlined so they may be easily identified.

Although there is no limitation on the number of exhibits or other attachments, CM/ECF does have size limitations. For more information about size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

REMINDER Redact personal data identifiers from exhibits and other attachments. For more information about redacting documents, see the [REDACTING DOCUMENTS](#) section of this user manual.

EVENTS

“Events” are utilized in CM/ECF for electronically filing documents and creating docket entries on the docket sheet in civil and criminal cases. Different events have been created for filing different types of documents and enable various case management functions to take place in the background.

It is important to select the correct event when e-filing a document in CM/ECF. Selecting the wrong event can also have unintended consequences. For example, the Speedy Trial Act of 1974 sets forth time limits and procedures to minimize undue delay and promote the prompt disposition of criminal cases. When a motion for continuance is filed in a criminal case using the **Continuance Motion under 18:3161** event, the Speedy Trial clocks are stopped or “tolled” in the background. The Speedy Trial clocks are not tolled when a motion for continuance is filed using the **Motion to Continue** event. Therefore, if a defendant has *not* pled or been sentenced and Speedy Trial still applies, a motion for continuance should be filed using the **Continuance Motion under 18:3161** event so the Speedy Trial clocks are automatically tolled. However, if a defendant has pled or been sentenced and Speedy Trial no longer applies, a motion for continuance should be filed using the **Motion to Continue** event so the Speedy Trial clocks are not affected.

When electronically filing a specific type of document, it is best to use the most specific event available rather than a more generic event. For example, an amended complaint in a civil case should be e-filed using the **Amended Complaint** event rather than the more general **Amended Document** event.

Use the **Memorandum in Support of Motion**, **Memorandum in Opposition to Motion**, and **Ex Parte Memorandum in Support of Motion** events to electronically file a memorandum related to a motion. Do not use the **Brief** event for this purpose. Use the **Brief** event only when directed to brief an issue by the court.

When electronically filing a sentencing memorandum which contains a motion for departure or a motion for variance, use either the **Sealed Motion for Departure – SEALED DOCKET ENTRY** event or the **Sealed Motion for Variance – SEALED DOCKET ENTRY** event and *not* the **Sealed Sentencing Memorandum – SEALED DOCKET ENTRY** event. Using a motion event ensures the motion will appear on the court’s **Pending Motions Report** and be considered by the court. For more information about the **Pending Motions Report**, see the [E-FILING OTHER DOCUMENTS](#) section of this user manual.

For help selecting the correct event, see the [Civil Case Events List](#) and [Criminal Case Events List](#) documents posted on the district court’s website. Also see Step 1 of the [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#) and [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CIVIL CASE](#), or Step 5 of the [STEP-BY-STEP GUIDE FOR E-FILING A](#)

[MOTION IN A CRIMINAL CASE](#) sections of this user manual. For additional help locating the correct event, click on **Search** on the blue menu bar in CM/ECF. For more information about using the **Search** menu, see the [SEARCH MENU](#) section of this user manual. If you are still unsure which event to use, contact the Clerk's office *before* e-filing a document in CM/ECF.

PAY.GOV

Pay.gov is a convenient way to make secure credit card payments directly to the United States Treasury via the internet. CM/ECF utilizes Pay.gov so filers can pay certain court fees during the electronic filing process. The following events allow the filer to pay the associated court fee utilizing Pay.gov:

Civil Events

- Complaint (SHELL CASE)
- Complaint – Prisoner Civil Rights (42:1983) (SHELL CASE)
- Complaint – Social Security Appeal (SHELL CASE)
- Motion for Admission Pro Hac Vice
- Notice of Appeal
- Notice of Appeal – Cross Appeal
- Notice of Appeal – Interlocutory
- Notice of Removal (SHELL CASE)
- Petition for Writ of Habeas Corpus (28:2241) (SHELL CASE)
- Petition for Writ of Habeas Corpus (28:2254) (SHELL CASE)
- Petition for Writ of Mandamus (SHELL CASE)

Criminal Events

- Motion for Admission Pro Hac Vice
- Notice of Appeal – Conditions of Release
- Notice of Appeal – Final Judgement
- Notice of Appeal – Interlocutory Appeal

During the electronic filing process, a filer using one of these events will be presented with a credit card payment information screen so he or she can enter the credit card information necessary to pay the associated court fee. The Pay.gov credit card payment information screen is similar to payment screens commonly seen by anyone making an online purchase.

Occasionally, filers make inadvertent, duplicate, or erroneous credit card payments utilizing Pay.gov. These payments can be incurred as the result of using the wrong event, filing in the wrong case, etc. The Clerk's Office cannot void these payments. Attorneys seeking a refund must submit a written application in the form of a letter addressed to: Clerk, U.S. District Court, Attn: Administrative Services Unit, Finance Department, 314 S. Main Avenue, Suite 100, Sioux Falls, SD 57104. The letter must include the name, address, and telephone number of the party

requesting the refund. Upon verification of the error, the district court's finance department will process the refund to the same credit card on which the erroneous payment was made. Refund checks will not be issued.

Filers can run an **Internet Payment History** report in CM/ECF at any time to see a list of all credit card payments they have made in CM/ECF utilizing Pay.gov during a specific period of time. For more information regarding this report, see the [Internet Payment History](#) section of this user manual.

For additional information about Pay.gov see Step 14 of the [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#) section of this user manual. Also see the [Pay.gov for Attorneys](#) document posted on the district court's website or go to the Pay.gov website located at www.pav.gov.

REDACTING DOCUMENTS

In order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, the E-Government Act of 2002, as amended, and [Fed. R. Civ. P. 5.2](#), [Fed. R. Crim. P. 49.1](#), D.S.D. Civ. LR 5.2(A), and D.S.D. Crim. LR 49.1.1(A), parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the district court, whether filed electronically or manually, including exhibits and other attachments, unless otherwise ordered by the court:

- Social Security numbers (SSN) and employer identification numbers (EIN) – **Redact all but the last four digits.**
- Names of individuals known to be minors – **Use the minor's initials.**
- Dates of birth – **Redact all but the year.**
- Financial account numbers – **Redact all but the last four digits.**
- Home addresses in criminal cases – **Redact all but the city and state.**

Additionally, D.S.D. Civ. LR 5.1(B)(6), and D.S.D. Crim. LR 49.1(B)(6) require filers to completely redact website addresses from all filed documents directing the court to websites containing personal data identifiers and/or pornography.

After electronically filing the redacted version of a document in CM/ECF, filers may manually submit an *unredacted* version of the document to the Clerk's Office for filing under seal. For information about filing unredacted documents under seal, see the [Unredacted Documents](#) section of this user manual.

Although not specifically required to be redacted, caution should be used when filing documents containing sensitive information, including, but not limited to (1) personal identifying numbers,

such as driver's license numbers, (2) medical records, including treatment and diagnosis, (3) employment history, (4) individual financial information, and (5) proprietary or trade secret information.

See [Public Notice – Notice of Electronic Availability of Case File Information](#) and [Standing Order 2004-1](#) posted on the district court's website for more information about the E-Government Act of 2002. For more information about redacting documents, see the [REDACTION TIPS](#) section of this user manual.

IMPORTANT Redaction is the sole responsibility of counsel and the parties. The Clerk's Office does not review documents for information which should be redacted.

IMPORTANT Pay special attention to personal data identifiers contained in exhibits and attachments—they can easily be missed.

REDACTION TIPS

Documents which are incorrectly redacted may still contain unredacted personal data identifiers or other information. Filers should use extra care to make sure electronically filed documents are fully and completely free of information which should be redacted, including hidden data. Although documents may appear to be redacted, hidden data may still contain unredacted personal data identifiers. Following are some methods which should *not* be employed to redact information from documents e-filed with the district court:

- Changing the font to white makes it look like the words disappear, but they don't.
- Document files created using word processing software (including Microsoft Word, Corel WordPerfect, etc.) retain a lot of hidden code called “metadata” which can contain revision history and other information. This metadata can reveal anything that was contained in the document file at any time, even text which was previously deleted or changed—even if the document was re-saved. This is useful for tracking revisions, but if this information is not purged from the document file, someone can look at this information, even after the document has been converted to PDF.
- Adobe Acrobat (the full version) has some graphic and “commenting” tools which can blackout, cover over, or remove sections of text. The edits these tools make can be removed to reveal the text underneath.
- Using markers, semi translucent tape, or paper to cover areas of a document to be scanned can still sometimes show enough information for someone to see what was

assumed hidden, especially if that same data repeats a number of times throughout a document.

For more information about metadata, see the [Guidelines for Editing Metadata](#) document posted on the district court's website. The court does not endorse any specific method for "sanitizing" a document. There are a number of consulting and software resources which specialize in redaction of data.

HYPERLINKS

Electronically filed documents can include active hyperlinks to previously filed documents in the same case or another case filed in this district court. These are known as "cross-document hyperlinks." For specific instructions about adding active cross-document hyperlinks to a document created in Microsoft Word or Corel Word Perfect, see the [Cross Document Hyperlinks](#) document posted on the district court's website.

Electronically filed documents can also include active cross-document hyperlinks to previously filed documents in *other* federal courts which use CM/ECF. CM/ECF is currently used in over 200 different federal courts including United States district courts, United States bankruptcy courts, United States courts of appeal, the United States Supreme Court, the United States Court of Federal Claims, and the United States Court of International Trade. For a detailed list of federal courts that use CM/ECF go to the [PACER Service Center](#) website.

Electronically filed documents can also include active hyperlinks to items posted on the internet. Pursuant to D.S.D. Civ. LR 5.1(B)(6) and D.S.D. Crim. LR 49.1(B)(6), filers must completely redact any hyperlinks in a filed document which direct the court to a website containing personal data identifiers and/or pornography. For more information about redacting documents, see the [REDACTING DOCUMENTS](#) and the [Unredacted Documents](#) sections of this user manual.

SIGNATURES

Pursuant to D.S.D. Civ. LR 10.1(B) and D.S.D. Crim. LR 49.1(B)(4), an electronically filed document must include a signature block which sets forth the name, address, telephone number, and e-mail address of the filer. This information should not be included in a header or a footer which appears on every page of a filed document or as part of the case caption.

The signature block must also contain a facsimile signature of the filer or the typed name of the filer preceded by an "/s/," as in the following example:

/s/ Nelson E. Wiseman

The signature on the document must belong to the same person whose CM/ECF login and password are used to e-file the document. The signature on the document, together with the filer's CM/ECF login and password, serve as the filer's signature for purposes of the federal rules of procedure, the local rules of practice of this district court, and any other purpose for which a signature is required in connection with proceedings before this district court.

Only registered attorneys and approved non-prisoner pro se parties may sign their electronically filed documents using an “/s/” and their typed name on the signature line. Affidavits and declarations signed by anyone other than the attorney or pro se party who e-filed the document must contain the actual ink signature of the affiant or declarant. Notarized documents must also contain the actual ink signature of the notary public.

Pursuant to D.S.D. Civ. LR 5.1(B)(5) and D.S.D. Crim. LR 49.1(B)(5), documents requiring the signatures of more than one party may be e-filed by either (a) submitting a scanned document containing all necessary signatures, or (b) in any other manner approved by the court. It is never permissible for a filer to sign an e-filed document for another person by typing an “/s/” and the other person's name on a signature line in the document.

Pursuant to D.S.D. Civ. LR 83.2(E) and D.S.D. Crim. LR 44.1(E), local counsel must sign and file all documents. Attorneys who are admitted pro hac vice are not allowed to file documents with this district court and are not allowed to sign a document which is e-filed using local counsel's CM/ECF login and password.

REMINDER Documents which are *manually* filed with the Clerk's Office MUST include the filer's actual ink signature and NOT typing an “/s/” and the filer's name on the signature line.

SERVICE OF DOCUMENTS

When a filer electronically files a document in CM/ECF a Notice of Electronic Filing (NEF) e-mail is automatically generated and e-mailed to the appropriate case participants. Pursuant to D.S.D. Civ. LR 5.1(A)(2) and D.S.D. Crim. LR 49.1(A)(2), receipt of the NEF e-mail constitutes service on those registered attorneys who consented to receive electronic notice at the time of registration and on those non-prisoner pro se parties who requested to receive electronic notice. Pursuant to D.S.D. Civ. LR 5.1(B)(3) and D.S.D. Crim. LR 49.1(B)(3), a certificate of service with respect to those persons who will receive electronic service is not required. For more information about electronic service, see the [NOTICE OF ELECTRONIC FILING \(NEF\) E-MAIL](#) section of this user manual.

All of the case participants or one particular case participant in a case may not receive an NEF e-mail when a document is electronically filed in CM/ECF. This may occur for several reasons, including the following:

- The event used to file the document did not generate an NEF e-mail.
- An attorney is exempted from receiving electronic service.
- A non-prisoner pro se party has not requested to receive electronic service.

Those case participants entitled to receive service who did not receive an NEF e-mail for any of these reasons *must* be manually served with copies of the filed document in accordance with the federal rules of procedure and the local rules of practice of this district court. In this situation, a certificate of service is required. The certificate of service should be *attached* to the document and must identify the person or persons served and the manner in which manual service was accomplished.

When, for whatever reason, a document cannot be electronically filed and must be *manually* filed with the Clerk's Office, those case participants entitled to receive service must be *manually* served with copies of the filed document in accordance with the federal rules of procedure and the local rules of practice of this district court. This is true even if those case participants receive electronic notice when the Clerk's Office files the document in CM/ECF because this is not valid *service* by the filer. Again, in this situation, an attached certificate of service which identifies the person or persons served and the manner in which manual service was accomplished.

REMINDER Documents which are manually filed with the Clerk's Office **MUST** include the filer's actual ink signature and be manually served on the appropriate persons.

NOTICE OF ELECTRONIC FILING (NEF) E-MAIL

When most documents are electronically filed in CM/ECF, a Notice of Electronic Filing (NEF) e-mail is automatically transmitted by e-mail to the appropriate case participants. This is known as electronic notice and constitutes service on those attorneys who have registered for a CM/ECF user account and those non-prisoner pro se parties who have requested to receive service of documents in accordance with the federal rules of procedure and the local rules of practice of this district court.

The subject line of an NEF e-mail looks similar to the following:

ecfhelp	Motion to Compel filed in 4:13-cr-40005-KES USA v. O'Connor et al	12/06/2015 10:02 AM	5K
---------	---	---------------------	----

The NEF e-mail contains the same information as the NEF receipt discussed in the [NEF RECEIPT](#) section of this user manual, plus an active document number hyperlink for accessing the e-filed document (if a document was filed). If a document was filed, as long as it is not restricted, the *first time* a recipient of an NEF e-mail clicks on the active document number hyperlink contained in the NEF e-mail on behalf of a particular case participant, the recipient can look at the document and any attachments for free. The recipient should print or save a copy of the main document (and any attachments) the first time he or she looks at the document because the next time someone looks at the document in behalf of same case participant they will be charged applicable PACER access fees to look at it. Free access to the main document (and any attachments) expires 15 days after receipt of an NEF e-mail.

For more information about NEF receipts, see the [NEF RECEIPT](#) section of this user manual. For information about accessing *restricted* documents from an NEF e-mail, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual. For information about PACER, see the [PACER](#) section of this user manual or go to the [PACER Service Center](#).

Although CM/ECF immediately transmits an NEF receipt back to the filer's screen, NEF e-mails are not sent to any case participants, including the filer, when a document is e-filed in a sealed case or when the document being e-filed results in a sealed docket entry. NEF e-mails are also not sent to the filer when civil case initiating documents are e-filed in a divisional shell case using specific events. For more information about sealed docket entries, see the [SEALED DOCKET ENTRIES](#) section of this user manual. For more information about e-filing in a divisional shell case, see the [E-FILING CIVIL CASE INITIATING DOCUMENTS](#) and the [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#) sections of this user manual.

A registered attorney can receive electronic notice when a document is e-filed in a case in which the registered attorney is not a participant. In this situation, when the attorney (or a recipient on behalf of the attorney) receives an NEF e-mail and clicks on the active document number hyperlink contained in the NEF e-mail, the attorney will be rerouted to PACER where he or she can choose whether or not to pay applicable PACER access fees to look at the document. For more information about receiving electronic notice when a document is e-filed in a case in which a registered attorney is not a participant, see the [Maintain Your E-mail](#) section of this user manual.

Even when a document is not actually filed in CM/ECF, case participants may receive electronic notice when docket activity occurs in a case. When this happens, the NEF e-mail will notify the recipient of the docket activity, but the NEF e-mail will not contain an active document number hyperlink for accessing a filed document. Among other instances, this occurs when oral orders and text orders are entered on the docket.

In order to receive electronic notice, registered attorneys and non-prisoner pro se parties who have requested to receive electronic notice are required to maintain a valid primary e-mail address and optional secondary e-mail addresses on their CM/ECF user accounts. If an NEF e-

mail is returned to the district court as undeliverable because an attorney or non-prisoner pro se party has failed to keep an e-mail address on their CM/ECF user account up-to-date, the Clerk's Office will attempt to contact the attorney or pro se party to update the e-mail address, but is not required to do so. For more information about updating the e-mail addresses on a CM/ECF user account, see the [Maintain Your E-Mail](#) section of this user manual.

WHAT CONSTITUTES E-FILING/OFFICIAL RECORD

Pursuant to D.S.D. Civ. LR 5.1(B)(1) and D.S.D. Crim. LR 49.1(B)(1), electronic transmission of a document to the CM/ECF system, together with transmission of a Notice of Electronic Filing (NEF) from the district court constitutes filing of the document for all purposes of the federal rules of procedure and the local rules of practice of this district court. This also constitutes entry of the document on the docket kept by the Clerk of Court pursuant to [Fed. R. Civ. P. 58](#) and [Fed. R. Civ. P. 79](#).

An electronically filed document is deemed filed at the date and time stated on the NEF e-mail as generated by the CM/ECF system. In instances when an NEF e-mail is not generated, such as when civil case initiating documents are e-filed in a divisional shell case or when a sentencing related document is e-filed in a criminal case which results in a sealed docket entry, a document is deemed delivered to the Clerk's Office at the date and time stated on the NEF receipt. For more information about NEF receipts, see the [NEF RECEIPT](#) section of this user manual.

The district court's server is located in Sioux Falls, South Dakota, in the Central Time Zone. Electronically filed documents must be filed by 11:59 p.m. *Central Time*, regardless of the location of the filer, to be considered timely filed that day, unless specifically ordered otherwise by the court.

When a document has been electronically filed, the official record is the electronic document as stored in the CM/ECF system, and the filer is bound by the document as filed.

IMPORTANT Filers are strongly encouraged to verify a document's content and legibility before e-filing it with the district court.

E-FILING CIVIL CASE INITIATING DOCUMENTS

In the past, attorneys had to manually deliver civil case initiating documents to the Clerk's Office for filing. Now, attorneys have the option of electronically filing civil case initiating documents

in CM/ECF using the following specific events. (Initial pleading events are distinguished by an asterisk*.):

- Civil Cover Sheet (SHELL CASE)
- Complaint (SHELL CASE)*
- Complaint – Prisoner Civil Rights (42:1983) (SHELL CASE)*
- Complaint – Social Security Appeal (SHELL CASE)*
- Motion to Proceed in Forma Pauperis (SHELL CASE)
- Motion to Reduce Sentence – Johnson Claim (SHELL CASE)*
- Motion to Vacate/Set Aside/Correct Sentence (28:2255) (SHELL CASE)*
- Notice of Removal (SHELL CASE)*
- Petition for Writ of Error Coram Nobis (SHELL CASE)*
- Petition for Writ of Habeas Corpus (28:2241) (SHELL CASE)*
- Petition for Writ of Habeas Corpus (28:2254) (SHELL CASE)*
- Petition for Writ of Mandamus (SHELL CASE)*
- Petition to Enforce IRS Summons (SHELL CASE)*
- Request for Issuance of Summons(es) (SHELL CASE)

When an attorney electronically files initial pleadings and other civil case initiating documents in CM//ECF he or she does not actually e-file the documents in a new civil case. Instead, the attorney e-files them in one of the following four sealed divisional “shell” cases:

- 18-1000 (Northern Division shell case)
- 18-3000 (Central Division shell case)
- 18-4000 (Southern Division shell case)
- 18-5000 (Western Division shell case)

These divisional shell cases are holding places for civil case initiating documents which technically are only electronically delivered to the Clerk’s Office. The documents are not considered filed for statute of limitation purposes until the filing fee (if any) is paid or an appropriate motion to proceed in forma pauperis (ifp) is filed. For more information about what constitutes e-filing, see the [WHAT CONSTITUTES E-FILING/OFFICIAL RECORD](#) section of this user manual.

Civil case initiating documents are held in a divisional shell case until the Clerk’s Office opens a new civil case and re-files the documents in the new civil case. When a filing fee is required, the Clerk’s office will not open a new civil case until after the filing fee is paid or an appropriate motion to proceed in forma pauperis (ifp) is filed. A required filing fee must be paid or a motion to proceed ifp must be filed prior to or on the same day as the initial pleading was e-filed in the shell case. Otherwise, the attorney will be required to re-file the civil case initiating documents.

When a filing fee is not required, the Clerk’s Office will open a new civil case and re-file the civil case initiating documents in the new civil case as of the date the initial pleading was e-filed in the shell case.

When a filing fee is required, but the attorney is requesting waiver of the fee, it is best when the motion to proceed ifp is e-filed in the divisional shell case prior to when the initial pleading is e-filed in the divisional shell case. When both the initial pleading and the motion to proceed ifp are appropriately filed, the Clerk's Office will open a new civil case and re-file all of the civil case initiating documents in the new civil case as of the date the initial pleading was e-filed in the shell case.

When a filing fee is required and it is not appropriate to file a motion to proceed ifp, the filing fee should be paid utilizing Pay.gov during the process of e-filing the initial pleading in the shell case. Otherwise, the filer should contact the Clerk's Office and make arrangements to manually pay the filing fee *prior* to when the initial pleading is filed in the shell case so as not to unnecessarily delay opening of the new civil case. When the filing fee is manually paid, the filer will be asked to enter the manual receipt number during the process of e-filing the initial pleading in the shell case. Once the filing fee has been appropriately paid, the Clerk's Office will open a new civil case and re-file all of the civil case initiating documents in the new civil case as of the date the initial pleading was e-filed in the shell case.

When a document is e-filed in a divisional shell case using any of the above listed events specifically designated for this purpose the docket entry will be sealed and will not be visible on the public docket sheet in PACER or at the public access terminals located in the Clerk's Office in Sioux Falls, Rapid City, and Pierre. Additionally, the filing attorney will not receive an NEF e-mail when the document is filed. Since the filing attorney will not receive an NEF e-mail, the filer is encouraged to print a copy of the NEF receipt when he or she is finished e-filing a document in a divisional shell case as evidence the document was delivered to the Clerk's Office at the date and time stated on the NEF receipt. For more information, see the [WHAT CONSTITUTES E-FILING/OFFICIAL RECORD](#), [NOTICE OF ELECTRONIC FILING \(NEF\) E-MAIL](#), and [NEF RECEIPT](#) sections of this user manual.

When the Clerk's Office opens a new civil case, the filing attorney will receive NEF e-mails when the civil case initiating documents are re-filed in the new civil case and will be advised of the new civil case number and the district judge assigned to the case at that time. The filing attorney will be able to access the docket sheet and the documents filed in the new civil case *unless* the new civil case is sealed. The public will also be able to access the docket sheet and the documents filed in the new civil case through PACER and at the public access terminals located in the Clerk's Office *unless* the case, the docket entries, or the documents are sealed. In the unlikely event the new civil case is sealed, the filing attorney will manually be advised of the new civil case number and the district judge assigned to the case. For more information about access restrictions, see the [ACCESS LEVEL RESTRICTIONS](#) section of this user manual.

After e-filing an initial *pleading* in a divisional shell case, an attorney should e-file his or her other civil case initiating documents, including civil cover sheet and motion to proceed ifp or request for summons(es), in the shell case using the appropriate events. Attorneys should wait,

however, to e-file corporate disclosure statements, motions (except a motion to proceed ifp), and all other case documents until after the new civil case has been opened.

For more information about filing documents in a divisional shell case, see the [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#) section of this user manual.

IMPORTANT An initial pleading is considered *delivered* to the Clerk's Office on the date it is electronically filed in a divisional shell case. It is considered *filed* for statute of limitation purposes when both the initial pleading is e-filed and the filing fee (if any) is paid or an appropriate motion to proceed in forma pauperis is filed.

IMPORTANT When a new civil case is opened, it is opened *as of* the date the initial pleading was electronically filed in the shell case.

DOCUMENTS ENTERED BY THE COURT

All electronically filed orders, judgments, and proceedings of this court constitute entry on the docket kept by the Clerk of Court pursuant to [Fed. R. Civ. P. 58](#), [Fed. R. Civ. P. 79](#), [Fed. R. Crim. P. 49](#), and [Fed. R. Crim. P. 55](#).

Any order or other court-issued document electronically entered on the docket without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had actually signed the document.

Any oral order, text order, or other entry by the court on the docket without an attached document is official and binding. For more information about electronic notice when a document is not actually filed in CM/ECF, see the [NOTICE OF ELECTRONIC FILING \(NEF\) E-MAIL](#) section of this user manual.

NOTICE OF COURT ORDERS AND JUDGMENTS

Immediately upon entry on the docket of an *unsealed* order or judgment in an *unsealed* case, the CM/ECF system automatically transmits a Notice of Electronic Filing (NEF) e-mail containing an active document number hyperlink for the document to all appropriate case participants. Electronic transmission of the NEF e-mail constitutes notice as required by [Fed. R. Civ. P. 77\(d\)](#) and [Fed. R. Crim. P. 49\(c\)](#). The Clerk's Office will send a copy of the order or judgment by regular mail or e-mail to appropriate case participants who are exempt from registration or otherwise do not receive electronic notice.

Immediately upon entry on the docket of a *sealed* order or judgment in an *unsealed* case, case participants may receive electronic notice, however, because the document is sealed, they will not be able to access the document from the NEF e-mail. In this circumstance, the Clerk's Office will send a copy of the sealed order or judgment by regular mail or e-mail to all appropriate case participants.

When an order or judgment is entered on the docket in a *sealed* case, such as a criminal case involving a juvenile defendant, case participants will not receive electronic notice when the document is filed. In this circumstance, the Clerk's Office will send a copy of the order or judgment by regular mail or e-mail to all appropriate case participants.

ACCESS LEVEL RESTRICTIONS

CM/ECF accommodates two different types of users in several different types of roles. Court users, including everyone in the Clerk's Office, chambers' offices, and the United States Probation Office, generally have unlimited access to case documents and other information stored in CM/ECF. Public users, including registered attorneys, approved non-prisoner pro se parties, persons using the public access terminals in the Clerk's Office, and anyone with a PACER account, have access to most documents and information stored in CM/ECF, but access to some documents and information may be restricted. Access can be restricted either at the case level, docket entry level, or document level. Following is a brief discussion of these different levels of restriction.

Case Restrictions

Cases can be sealed. *Sealed cases* are not accessible by public users. Since sealed cases are not accessible by public users, the documents and information associated with sealed cases are not accessible by public users either. Attorneys and approved non-prisoner pro se parties cannot electronically file documents in sealed cases. Criminal cases involving juvenile defendants are sealed when they are opened in CM/ECF and are never unsealed. Other cases which are sealed when they are opened in CM/ECF may later be unsealed by operation of law or by order of the court.

Docket Entry Restrictions

Docket entries can be sealed or restricted. *Sealed docket entries* are not visible to public users. Since sealed docket entries are not visible to public users, the documents and information associated with sealed docket entries are not visible or accessible by public users either. When attorneys electronically file civil case initiating documents in a divisional shell case using specific events, the docket entries for these documents are sealed. For more information about e-filing documents in a shell case, see the [E-FILING CIVIL CASE INITIATING DOCUMENTS](#) section of this user manual. Attorneys and approved non-prisoner pro se parties can e-file six types of

documents in a criminal case that result in sealed docket entries. The specific events used for e-filing these types of documents include the words “SEALED DOCKET ENTRY” in their titles. For more information about these events, see the [SEALED DOCKET ENTRIES](#) section of this user manual.

Restricted docket entries may or may not be visible to a public user, depending on the public user’s role in a particular case. For example, restricted docket entries may be visible to all of the participants in a case, but not to anyone who is not a participant in that particular case. Similarly, restricted docket entries may be visible to case participants associated with one party in a case, but not to anyone else who is not associated with that particular party. These are known as *ex parte* docket entries. If a restricted docket entry is visible to a public user, the document and information associated with the docket entry are accessible by the public user. If a restricted docket entry is not visible to a public user, the documents and information associated with the restricted docket entry are not accessible to that public user either.

For more information about sealed and restricted *docket entries*, see the [SEALED DOCKET ENTRIES](#) and the [RESTRICTED DOCKET ENTRIES](#) sections of this user manual.

Document Restrictions

Documents can be sealed or restricted. The docket entries for *sealed documents* are visible to public users, however, the actual sealed documents are not accessible by public users. Attorneys and approved non-prisoner pro se parties can electronically file several types of plea and sentencing related documents in criminal cases that are automatically sealed. For more information about these events, see the [Plea and Sentencing Related Documents](#) section of this user manual.

The docket entries for *restricted documents* are also visible to public users, but the actual restricted documents may or may not be accessible by a public user, depending on the public user’s role in a particular case. For example, presentence reports and bail reports are routinely filed in criminal cases by the United States Probation Office. These reports are only accessible by counsel for the government and counsel for the defendant who is the subject of the report. No other public users are able to access these documents in CM/ECF, including counsel for co-defendants in a multi-defendant criminal case.

For more information about sealed and restricted documents, see the [SEALED DOCUMENTS](#) and [RESTRICTED DOCUMENTS](#) sections of this user manual.

SEALED DOCKET ENTRIES

Sealed docket entries in civil and criminal cases are not visible on the public docket sheet. This includes the docket entries for all civil case initiating documents e-filed in a divisional shell case using the specific events located on the **Case Initiating Documents – SHELL CASE** events menu and events located on the **Sealed Plea & Sentencing Related Documents** events menu with the words “SEALED DOCKET ENTRY” in their titles. By default, the documents associated with sealed docket entries are also sealed and are not accessible by case participants or other public users. These are the only events filers can use to e-file a document in CM/ECF which will result in the docket entry automatically being sealed when the document is filed. Filers do not need permission to e-file documents in CM/ECF using any of these events.

The filing attorney will not receive an NEF e-mail when a civil case initiating document is e-filed in a divisional shell case using the specific events located on the **Case Initiating Documents – SHELL CASE** events menu. The filer is encouraged to print a copy of the NEF receipt when he or she is finished e-filing a document in a shell case as evidence the document was delivered to the Clerk’s Office at the date and time stated on the NEF receipt. For more information, see the [E-FILING CIVIL CASE INITIATING DOCUMENTS](#) and [WHAT CONSTITUTES E-FILING/OFFICIAL RECORD](#) sections of this user manual.

To protect the safety of all federal inmates regardless of their cooperation with the government, as well as the integrity of any ongoing investigation or related prosecutions, it is this district court’s intent to make it impossible to determine by examining the court record whether there was, or was not, cooperation. In pursuit of this objective, docket entries are automatically sealed when sentencing related documents are e-filed using the following events located on the **Sealed Plea & Sentencing Related Documents** events menu in CM/ECF:

- Sealed Motion for Departure – SEALED DOCKET ENTRY
- Sealed Motion for Variance – SEALED DOCKET ENTRY
- Sealed Notice of Intent to Seek Departure or Variance – SEALED DOCKET ENTRY
- Sealed Objections to Sentencing Document (not PSR) – SEALED DOCKET ENTRY
- Sealed Response to Sealed Sentencing Document (not PSR) – SEALED DOCKET ENTRY
- Sealed Sentencing Memorandum – SEALED DOCKET ENTRY

Case participants, including the filer, do *not* receive an NEF e-mail when a document is e-filed using one of these events and the docket entry will *not* be visible on the public docket sheet. A filer who e-files a document using one of these events *must* manually serve a copy of the sealed document together with a copy of the NEF receipt screen on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service *must* also be attached to the document identifying the person or persons served and the manner in which manual service was accomplished. The

document should not be manually served on the court or the United States Probation Office. For more information, see the [NEF RECEIPT](#) section of this user manual.

Pursuant to D.S.D. Crim. LR 32.1(A), a motion for departure or variance may be joined with a party's sentencing memorandum. When a sentencing memorandum contains a motion for departure or variance it should *not* be filed using the **Sealed Sentencing Memorandum – SEALED DOCKET ENTRY** event. Instead, it should be filed using either the **Sealed Motion for Departure – SEALED DOCKET ENTRY** event or the **Sealed Motion for Variance – SEALED DOCKET ENTRY** event. This ensures the motion will appear on the court's **Pending Motions Report** and be considered by the court. For more information about the court's Pending Motions Report, see the [E-FILING OTHER DOCUMENTS](#) section of this user manual.

Although a document is not actually filed, filers can file a notice of filing error in a criminal case which results in a sealed docket entry if the appropriate selections are made during the e-filing process. For more information about e-filing a notice of filing error, see the [Notices Of Filing Error](#) and [DOCUMENTS E-FILED IN ERROR](#) sections of this user manual.

IMPORTANT Whenever a document is e-filed which results in a sealed docket entry, the document **MUST** include an attached certificate of service and be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A copy of the NEF receipt screen **MUST** be included with the document.

SEALED DOCUMENTS

The docket entries for *sealed documents* filed in civil and criminal cases are visible on the public docket sheet, but the actual sealed documents are not accessible by case participants or other public users.

Sealed documents generally fall into the following categories:

- Plea and Sentencing Related Documents
- Unredacted Documents
- Motions to Seal and their Attachments
- Document and Attachments Subject to a Protection Order

These specific types of sealed documents are discussed in the following sections.

These types of documents, along with the documents identified in the [SEALED DOCKET ENTRIES](#) section of this user manual, are the only types of sealed documents attorneys and

approved non-prisoner pro se parties are able to file in CM/ECF without first obtaining permission from the court. For information about filing a motion to seal, see the [Motions to Seal and their Attachments](#) section of this user manual.

Plea and Sentencing Related Documents

Many plea and sentencing related documents should be sealed to protect the safety of federal inmates. Plea related documents are automatically sealed when they are e-filed using the following events:

- Sealed Plea Agreement Supplement
- Sealed Statement of Factual Basis

Sentencing related documents are automatically sealed when they are e-filed using the following events:

- Sealed Allocution Statement
- Sealed Evaluation
- Sealed Letter(s) of Support
- Sealed Objections to Presentence Report (PSR)
- Sealed Plea Agreement Supplement
- Sealed Response to Sealed Objections to Presentence Report (PSR)
- Sealed Statement of Factual Basis
- Sealed Supporting Document(s) Related to Sentencing
- Sealed Victim Impact Statement(s)

These are the only events available to attorneys and approved non-prisoner pro se parties which result in a document being automatically sealed when the document is e-filed.

Case participants will receive an NEF e-mail when a document is e-filed using one of these events and the docket entry will be visible on the public docket sheet. However, since public users are unable to access sealed documents, the filer *must* manually serve a copy of the sealed document together with a copy of the NEF receipt screen on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service *must* be attached to the document identifying the person or persons served and the manner in which manual service was accomplished. The document should not be manually served on the court or the United States Probation Office. For more information, see the [NEF RECEIPT](#) section of this user manual.

IMPORTANT Documents relating to the sentencing process are confidential and should not be distributed beyond counsel and the defendant (through defense counsel), unless otherwise ordered by the court. Consistent with [Standing Order 16-04](#), defense counsel may review sealed and restricted court documents with their client, but defense counsel is prohibited from providing copies of any sealed or restricted court documents to their client if the client is detained or incarcerated.

IMPORTANT Whenever a sealed document is e-filed, the document **MUST** include a certificate of service and be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A copy of the NEF receipt screen **MUST** be included with the document.

Unredacted Documents

The E-Government Act of 2002, as amended, prohibits the filing of documents containing personal data identifiers. After electronically filing a document in which personal data identifiers have been redacted, a filer may manually submit an *unredacted* version of the document to the Clerk's Office for filing under seal pursuant to D.S.D. Civ. LR 5.2(B) and D.S.D. Crim. LR 49.1.1(B). Any such submission must contain a cover sheet stating, "Document filed under seal pursuant to the E-Government Act." See [Public Notice – Notice of Electronic Availability of Case File Information](#) and [Standing Order 2004-1](#) posted on the district court's website for more information about the E-Government Act of 2002. For more information about redacting personal data identifiers, see the [REDACTING DOCUMENTS](#) section of this user manual.

D.S.D. Civ. LR 5.1(B)(6) and D.S.D. Crim. LR 49.1(B)(6) also prohibit the filing of documents containing hyperlinks directing the court to websites containing personal data identifiers and/or pornography. After electronically filing a document in which such websites have been redacted, a filer may submit an *unredacted* version of the document to the Clerk's Office for filing under seal with a cover sheet stating, "Document filed under seal pursuant to D.S.D. Civ. LR 5.2(B)" or "Document filed under seal pursuant to D.S.D. Crim. LR 49.1.1(B)."

The Clerk's Office will file an *unredacted* version of a redacted document under seal using the **Sealed Document** event.

Case participants will receive an NEF e-mail when a document is e-filed using the **Sealed Document** event and the docket entry will be visible on the public docket sheet. However, since public users are unable to access sealed documents, the filer *must* manually serve a copy of the sealed document together with a copy of the NEF receipt screen on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court together with a copy of the NEF receipt screen. A certificate of

service *must* be attached to the document identifying the person or persons served and the manner in which manual service was accomplished. A document e-filed using one of these events should not be manually served on the court or the United States Probation Office. For more information, see the [NEF RECEIPT](#) section of this user manual.

IMPORTANT Whenever a sealed document is e-filed, the document **MUST** include an attached certificate of service and be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A copy of the NEF receipt screen **MUST** be included with the document.

Motions to Seal and their Attachments

Other than the specific documents identified in the [SEALED DOCKET ENTRIES](#) and [SEALED DOCUMENTS](#) sections of this user manual, filers are unable to electronically file sealed documents in CM/ECF without first obtaining permission from the court. Filers can request permission from the court by manually filing a motion to seal. Pursuant to D.S.D. Civ. LR 7.1(A) and D.S.D. Crim. LR 47.1(B), such a motion must include (1) proposed reasons supported by specific factual representations to justify sealing, and (2) an explanation why alternatives to sealing won't provide sufficient protection.

All motions to seal and the documents to which they pertain (unless the document is already filed) must be manually submitted to the Clerk's Office for filing. The Clerk's Office will then file the motion to seal in CM/ECF as a public document. The motion to seal will be accessible by all case participants and public users and therefore should *not* contain any information the filer wants sealed. Unless the document is already filed with the district court, the document to which the motion to seal pertains will be attached to the motion and filed under seal by the Clerk's Office and will not be accessible by any case participants or other public users. The attachment to the motion to seal will not be considered by the court for any purpose other than to determine whether or not it should be sealed.

If the court enters an order granting the motion to seal, the Clerk's Office will re-file the attachment under seal as a separate docket entry on the public docket sheet using the **Sealed Document** event. The court will then consider the sealed document for the purpose for which it was filed. Case participants will receive an NEF e-mail when the sealed document is filed and the sealed document will be visible on the public docket sheet, but it will not be accessible by case participants or other public users.

If the court denies the motion to seal, the sealed attachment will not be considered by the court for any other purpose and the Clerk's Office will take no further action with respect to the sealed attachment unless ordered to do so by the court.

As indicated above, a motion to seal should not contain any information which should be sealed. If it is necessary to include confidential information in a motion to seal, the filer should deliver the motion to seal to chambers for the express purpose of obtaining an order to seal the motion *prior* to delivering the motion to seal to the Clerk's Office for filing. The Clerk's Office cannot seal a motion to seal without an order from the court.

Case participants will receive an NEF e-mail when a motion to seal is filed and the docket entry will be visible on the public docket sheet. However, since public users are unable to access sealed documents, the filer *must* manually serve a copy of the sealed document together with a copy of the NEF receipt screen on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service *must* be attached to the document identifying the person or persons served and the manner in which manual service was accomplished. The document should not be manually served on the court or the United States Probation Office. For more information, see the [NEF RECEIPT](#) section of this user manual.

IMPORTANT Whenever a sealed document is e-filed, the document **MUST** include an attached certificate of service and be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A copy of the NEF receipt screen **MUST** be included with the document.

IMPORTANT Documents manually filed with the Clerk's Office **MUST** contain the filer's actual ink signature.

Documents Subject to a Protection Order

There is a difference between filing a *document* that is subject to a protection order and filing an *attachment* that is subject to a protection order. This section of the user manual discusses documents. For specific information about attachments, see the [Attachments Subject to a Protection Order](#) section of this user manual.

A document to be filed under seal pursuant to a protection order (or other court order) should be manually submitted to the Clerk's Office with a cover sheet stating, "This document to be filed under seal pursuant to the Protection Order issued in this case on [insert date]." The Clerk's Office will file the document in CM/ECF using the **Sealed Document** event. Case participants will receive an NEF e-mail when the sealed document is filed and the sealed document will be visible on the public docket sheet, but it will not be accessible by case participants or other public users. In this circumstance, a separate court order is not required and there is no need to file a redacted version of the document.

A document that is *manually* delivered to the Clerk's Office for filing under seal such as a document subject to a protection order, *must* include the filer's actual ink signature and be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service *must* be attached to the document identifying the person or persons served and the manner in which manual service was accomplished. The document should not be manually served on the court or the United States Probation Office.

[Fed. R. Civ. P. 26 \(c\)](#) provides the court with a variety of alternatives when it comes to protection orders. Oftentimes the court enters a protection order proposed by the parties which includes language based on subsection (H) of this federal rule. Subsection (H) requires the parties to file documents subject to a protection order in sealed envelopes. If a party files documents in a sealed envelope pursuant to a protection order, the sealed envelope should be endorsed with the case caption, a generic description of the contents, and the words "CONFIDENTIAL – SUBJECT TO COURT ORDER." When the sealed envelope is received by the Clerk's Office, the Clerk's Office will open it, scan the documents contained in the envelope, and electronically file the documents in CM/ECF. Because the Clerk's Office does not store paper documents, the original documents contained in the sealed envelope will immediately be shredded *unless*, at the time of filing, the filer specifically requests the documents be returned to the filer.

IMPORTANT Documents manually delivered to the Clerk's Office for filing under seal **MUST** include an attached certificate of service and be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court.

IMPORTANT Documents manually filed with the Clerk's Office **MUST** contain the filer's actual ink signature.

Attachments Subject to a Protection Order

There is a difference between filing an *attachment* that is subject to a protection order and filing a *document* that is subject to a protection order. This section of the user manual discusses attachments. For specific information about documents, see the [Documents Subject to a Protection Order](#) section of this user manual.

When a filer electronically files an *unsealed* document in a civil or criminal case which includes attachments that should be sealed pursuant to a protection order (or other court order) a temporary placeholder must be electronically filed for each such attachment. After electronically filing the main document and the required placeholders, the filer should manually submit the

attachments to be filed under seal to the Clerk's Office with a cover sheet identifying the specific placeholders to be replaced and stating, "These documents to be filed under seal pursuant to the Protection Order issued in this case on [insert date]." The Clerk's Office will replace the placeholders with the attachments, which will be sealed. The sealed attachments will be visible on the public docket sheet, but will not be accessible by case participants or other public users. In this circumstance, a separate court order is not required and there is no need to file redacted versions of the attachments.

Attachments which are *manually* delivered to the Clerk's Office for filing under seal pursuant to a protection order *must* be manually served on those case participants entitled to receive notice in accordance with the federal rules of procedure and the local rules of practice of this district court. A certificate of service *must* be attached to the document identifying the person or persons served and the manner in which manual service was accomplished. The attachments should not be manually served on the court or the United States Probation Office.

[Fed. R. Civ. P. 26\(c\)](#) provides the court with a variety of alternatives when it comes to protection orders. Oftentimes the court enters a protection order proposed by the parties which includes language based on subsection (H) of this federal rule. Subsection (H) requires the parties to file documents subject to a protection order in sealed envelopes. If a party files documents in a sealed envelope pursuant to a protection order, the sealed envelope should be endorsed with the case caption, a generic description of the contents, and the words "CONFIDENTIAL – SUBJECT TO COURT ORDER." When the sealed envelope is received by the Clerk's Office, the Clerk's Office will open it, scan the documents contained in the envelope, and electronically file the documents in CM/ECF. Because the Clerk's Office does not store paper documents, the original documents contained in the sealed envelope will immediately be shredded *unless*, at the time of filing, the filer specifically requests the documents be returned to the filer.

IMPORTANT Documents manually delivered to the Clerk's Office for filing under seal **MUST** include an attached certificate of service and be manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court.

RESTRICTED DOCKET ENTRIES

Restricted docket *entries* in civil and criminal cases are not visible on the public docket sheet except by particular case participants. By default, access to documents associated with these restricted docket entries is also restricted to these particular case participants.

The most common types of restricted docket entries are the result of filing the following types of documents:

- Ex Parte Documents
- Petitions to Revoke
- Notices of Filing Error
- Notices of Withdrawal and Substitution of Attorney in criminal cases

These specific types of restricted docket entries are discussed in the following sections.

Ex Parte Documents

Ex parte documents may only be filed when service of the document on another party is not required under the federal rules of procedure and the local rules of practice of this district court. A filer who is allowed to file an ex parte document should electronically file the document using one of the following events:

Civil Events

- Ex Parte Motion
- Ex Parte Affidavit in Support of Motion
- Ex Parte Memorandum in Support of Motion

Criminal Events

- Ex Parte CJA Motion
- Ex Parte Motion
- Ex Parte Motion for Revocation
- Ex Parte Motion for Summons
- Ex Parte Motion for Warrant
- Ex Parte Affidavit in Support of Motion
- Ex Parte Memorandum in Support of Motion
- Ex Parte Financial Affidavit – CJA23
- Ex Parte Application for Writ of Habeas Corpus ad Testificandum

When an ex parte document is electronically filed using one of these events, only case participants for the party who filed the document will receive an NEF e-mail when the document is filed and be able to access it. An ex parte document will not be visible on the public docket sheet except by case participants for the party who filed it.

When an *order* ruling on an ex parte motion is entered in CM/ECF, it is also an ex parte document. Only case participants for the party who filed the original ex parte motion will receive an NEF e-mail when the ex parte order is entered and be able to access it. An ex parte order will not be visible on the public docket sheet except by case participants for the party who filed the original ex parte motion.

For information about accessing restricted documents such as ex parte documents through an NEF e-mail, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

Petitions to Revoke

When the United States Probation Office requests a *warrant* (not a summons) in connection with a petition to revoke, the petition to revoke will be restricted when it is filed in CM/ECF. Only attorneys in the United States Attorney's Office will receive an NEF e-mail when the petition to revoke is filed. Likewise, only attorneys in the United States Attorney's Office will receive an NEF e-mail when a warrant is issued in connection with the petition to revoke. The petition to revoke and the warrant will only be accessible by attorneys in the United States Attorney's Office until after the defendant is either safely arrested and/or appears in court. As ordered by the court, when the defendant is arrested and/or appears in court the restrictions will be removed for the petition to revoke and the warrant and they will become visible on the public docket sheet and be accessible by defense counsel and other public users.

For information about accessing restricted documents such as petitions to revoke through an NEF e-mail, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

IMPORTANT Due to law enforcement safety concerns, if defense counsel inadvertently receives an NEF e-mail for a petition to revoke and/or a warrant before the defendant is arrested, as officers of the United States District Court for the District of South Dakota, defense counsel is prohibited from disclosing knowledge of the petition to revoke and/or warrant to the defendant. This prohibition extends to the defendant's family and associates.

Notices of Filing Error

The **Notice of Filing Error** event can be used to add a notation (not a document) to the docket sheet indicating a previously filed document was filed in error and should be disregarded. If the previously filed document is an ex parte document or a sentencing related document which resulted in a sealed docket entry, the notice of filing error should also be ex parte or sealed. This is accomplished during the e-filing process when the filer responds affirmatively when asked if the notice of filing error relates to an ex parte document or a sealed document. When a notice of filing error is sealed, no one will receive an NEF e-mail when the notice is filed and it will not be visible on the public docket sheet. When a notice of filing error is ex parte, only case participants for the party who filed the notice of filing error will receive an NEF e-mail when the notice is filed and be able to see it on the public docket sheet. For additional information about filing a notice of filing error, see the [DOCUMENTS E-FILED IN ERROR](#) section of this user manual.

IMPORTANT Unless a filer affirms a notice of filing error should be sealed or ex parte during the e-filing process, it will NOT be sealed or ex parte and persons who were unaware when a previously filed document was filed may become aware of it.

IMPORTANT Filing a notice of filing error does NOT seal the original document which was filed in error. Immediately call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual if the original document which was filed in error should be sealed because it contains personal data identifiers. Otherwise, if the original document which was filed in error should be sealed, the filer MUST file a motion to seal. For information about filing a motion to seal, see the [Motions to Seal and their Attachments](#) section of this user manual.

Notices of Withdrawal and Substitution of Attorney (filed in criminal cases)

The Notice of Withdrawal and Substitution of Attorney event can be used to terminate one attorney and add another attorney in a criminal case. Normally, a notice of withdrawal and substitution of attorney should not be restricted. However, when there is a pending warrant for a defendant in a criminal case (often in relation to a petition to revoke) a notice of withdrawal and substitution of attorney e-filed by someone in the United States Attorney's Office should be restricted. Therefore, during the e-filing process the filer will be asked if there is a pending warrant for the defendant. If the filer responds negatively to this question, the notice will *not* be restricted. An NEF e-mail will be sent to all of the case participants (including the attorney being terminated) and the docket entry will be visible on the public docket sheet. On the other hand, if the filer responds affirmatively to the question, the notice of withdrawal and substitution of attorney will be restricted. An NEF e-mail will only be sent to active case participants in the United States Attorney's Office and the notice will not be visible on the public docket sheet except by active case participants in the United States Attorney's Office. When the defendant is arrested and/or appears in court, access restrictions will be removed for the notice of withdrawal and substitution of attorney (at the same time as the restrictions are removed for the petition to revoke) and become visible on the public docket sheet and be accessible by defense counsel and other public users.

RESTRICTED DOCUMENTS

Restricted *documents* filed in civil and criminal cases are visible on the public docket sheet, but are not accessible by all public users.

The most common types of restricted documents are the following:

- Presentence Reports
- Bail Reports
- Recommended Special Conditions
- Social Security Appeal and Immigration Case Documents
- Restricted Transcripts

Except for restricted transcripts, these types of restricted documents are discussed in the following sections. Restricted transcripts are discussed in the [TRANSCRIPTS](#) section of this user manual.

Presentence Reports, Bail Reports, and Recommended Special Conditions

The United States Probation Office prepares and electronically files the following types of restricted documents in criminal cases:

- Preliminary Bail Reports
- Final Bail Reports
- Addenda to Final Bail Reports
- Draft Presentence Reports
- Final Presentence Reports
- Addenda to Final Presentence Reports
- Draft Supplemental Presentence Reports
- Final Supplemental Presentence Reports
- Addenda to Final Supplemental Presentence Reports
- Recommended Special Conditions

These documents are visible on the public docket sheet and *all* of the case participants in a multi-defendant criminal case receive an NEF e-mail when they are filed. Access to these documents, however, is limited to attorneys for the defendant who is the subject of the document and attorneys in the United States Attorney's Office.

For information about accessing restricted documents through an NEF e-mail, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

IMPORTANT Documents relating to the sentencing process are confidential and should not be distributed beyond counsel and the defendant (through defense counsel), unless otherwise ordered by the court. Consistent with [Standing Order 16-04](#), defense counsel may review sealed and restricted court documents with their client, but defense counsel is prohibited from providing copies of any sealed or restricted court documents to their client if the client is detained or incarcerated.

Social Security Appeal and Immigration Cases

Social Security appeal and immigration cases are unique. An *unsealed* opinion, order, judgment, or other disposition of the court in Social Security appeal and some immigration cases (depending on the Nature of Suit code) is not restricted. These documents are accessible by all public users through PACER and at the public access terminals located in the Clerk's Office. Other *unsealed* documents filed in Social Security appeal and these immigration cases are restricted. The docket entries for these restricted documents are visible on the public docket sheet. These restricted documents are accessible by all public users at the public access terminals located in the Clerk's Office, but are only accessible by case participants through PACER. Sealed documents are never accessible by case participants or other public users.

For information about accessing restricted documents through an NEF e-mail, see the [ACCESSING RESTRICTED DOCUMENTS](#) section of this user manual.

ACCESSING RESTRICTED DOCUMENTS

Anyone accessing a restricted document from a Notice of Electronic Filing (NEF) e-mail on behalf of an authorized case participant must follow these instructions to access the document.

To access a restricted document from an NEF e-mail, an e-mail recipient must be logged into CM/ECF using the authorized case participant's unique CM/ECF (not PACER) login and password *prior* to clicking on the active document number hyperlink contained in the NEF e-mail. Otherwise, the person trying to access the restricted document will receive a message which says, "You do not have permission to view this document." In addition, only the first person who accesses a *restricted* document on behalf of a particular authorized case participant will be able to access the document for free. Anyone else who subsequently tries to access the document on behalf of the same authorized case participant by clicking on an active document number hyperlink contained in an NEF e-mail will be routed to a **CM/ECF Filer or PACER Login** screen where they must enter the authorized case participant's unique CM/ECF login and password and pay applicable PACER access fees to access the document.

Likewise, anytime an authorized case participant tries to access a restricted document through PACER, they are required to establish their identity by entering their unique CM/ECF login and password and paying the applicable PACER access fees. For more information about PACER, see the [PACER](#) section of this user manual.

In multi-defendant criminal cases, attorneys are not authorized to view restricted documents filed on behalf of co-defendants, even though they receive NEF e-mails when such documents are e-filed.

Only local counsel is authorized to access restricted documents in CM/ECF. Attorneys admitted pro hac vice are not allowed to access restricted documents in CM/ECF and must obtain copies of restricted documents from local counsel.

For more information about restricted documents, see both the [RESTRICTED DOCUMENTS](#) and [RESTRICTED DOCKET ENTRIES](#) sections of this user manual.

TRANSCRIPTS

Pursuant to the [Judicial Conference Policy with Regard to the Availability of Transcripts of Court Proceedings](#), transcripts of most court proceedings filed in CM/ECF are accessible by public users at the public access terminals located in the Clerk's Office, for inspection only, for a period of 90 days after they are filed. During this 90-day restriction period, public users may obtain a copy of a transcript from the court reporter or transcriber who prepared the transcript at the rate established by the Judicial Conference. After the expiration of the 90-day period, most transcripts are available for copying by public users at the public access terminals located in the Clerk's Office and through PACER. Transcripts of voir dire proceedings are never available at the public access terminals or through PACER.

[Standing Order 16-04](#) requires that every transcript of a criminal change of plea and/or sentencing hearing contain a confidential section (or reference thereto) so the defendant's cooperation with the government, or the lack thereof, may be discussed. If a transcript of a change of plea and/or sentencing hearing is prepared, the court reporter or transcriptionist is required to prepare two versions, including a restricted transcript and a public transcript. The restricted transcript will include the confidential section. The public transcript will not include the confidential section, but instead will include the following reference, "Pursuant to Standing Order 16-04, portions of all change of plea and sentencing transcripts are restricted." After the normal 90-day restriction period has expired, restricted transcripts will be accessible through PACER only by government counsel and counsel for the defendant who either pled or was sentenced. Restricted transcripts are never accessible by public users at the public access terminals located in the Clerk's Office.

Whenever a transcript of a court proceeding is scheduled to become accessible by public users, it is the sole responsibility of counsel and the parties to arrange for redaction of any personal data identifiers contained in the transcript. Since restricted transcripts are only accessible by particular case participants through PACER and are not accessible at the public access terminals located in the Clerk's Office, when both a restricted transcript and a public transcript are prepared, only the public transcript must be redacted. This also pertains to ex parte transcripts whose accessibility is also restricted to particular case participants.

Whenever redaction is required, counsel must electronically file a transcript redaction request within 21 days of the date when the transcript was originally filed, indicating where the personal data identifiers appear in the transcript by page and line and how they are to be redacted. For more information about redacting personal data identifiers from court documents, see the [REDACTING DOCUMENTS](#) section of this user manual. For more information related to transcripts, go to the [Court Reporters](#) tab on the blue menu bar on the district court's website.

IMPORTANT The responsibility of redacting personal data identifiers rests solely with counsel and the parties. The Clerk's Office does not review documents, including transcripts, for redactions.

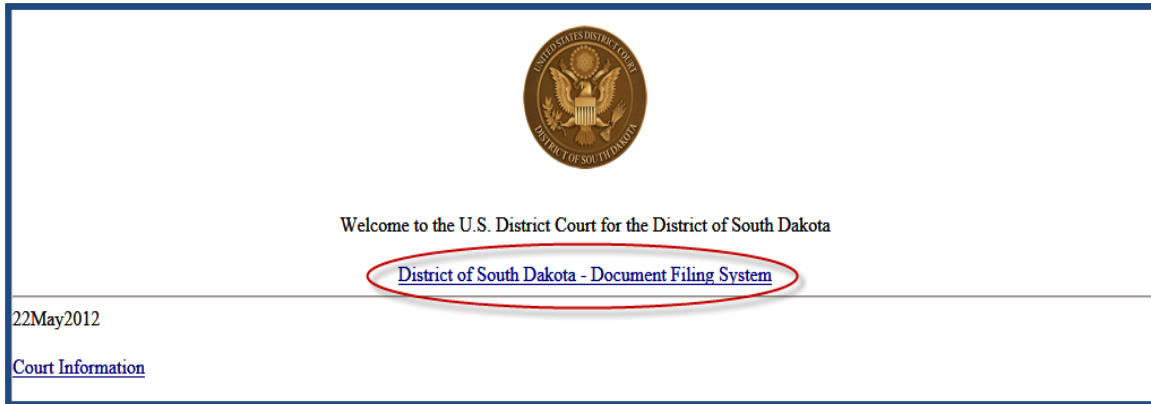
2. ELECTRONIC FILING IN CM/ECF

ACCESSING CM/ECF

You (the filer or an authorized agent of the filer) can access the CM/ECF system via the internet by going to the district court's website located at www.sdd.uscourts.gov and clicking on the active [E-Filing \(CM/ECF\)](#) hyperlink on the left-hand side of the home page.



Click on the active [District of South Dakota - Document Filing System](#) hyperlink in the center of the following **Welcome** screen.



LOGGING INTO CM/ECF

This is the **CM/ECF Login** screen.

CM/ECF Filer or PACER Login

Notice
This is a **Restricted Web Site** for Official Court Business only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

Instructions for filing:
Enter your CM/ECF filer login and password if you are electronically filing something with the court.

If you received this login page as a result of a link from a Notice of Electronic Filing email:
Enter your CM/ECF filer login and password. The system prompts customers for a CM/ECF login and password when attempting to view certain types of documents.

If you have trouble viewing a document:
After successful entry of your CM/ECF login, you should be able to view the document. If you receive the message "You do not have permission to view this document," viewing the document is restricted to attorneys of record in the case and the system does not recognize you as such. If the login prompt appears again, after you have entered your CM/ECF login and password, it means that the "free look" link has expired. You will need to enter your PACER login and password to view the document.

Instructions for viewing filed documents and case information:
If you do not need filing capabilities, enter your PACER login and password. If you do not have a PACER login, you may register online at <http://www.pacer.gov>.

Authentication

Login:

Password:

client code:

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses, in compliance with [Fed. R. Civ. P. 5.2](#) or [Fed. R. Crim. P. 49.1](#). This requirement applies to all documents, including attachments.

☐ I understand that, if I file, I must comply with the redaction rules. I have read this notice.

Notice
An access fee of \$0.10 per page or \$2.40 per document with an audio attachment, as approved by the Judicial Conference of the United States, will be assessed for access to this service. For more information about CM/ECF, [click here](#) or contact the PACER Service Center at (800) 676-6856.

CM/ECF has been tested with Firefox and Internet Explorer 8 and 9.

- Enter your (the filer's) unique case sensitive CM/ECF login and password in the appropriate data entry fields. The **client code** box can be utilized to track PACER access fees incurred by you on behalf of a particular client. Since you are never charged for

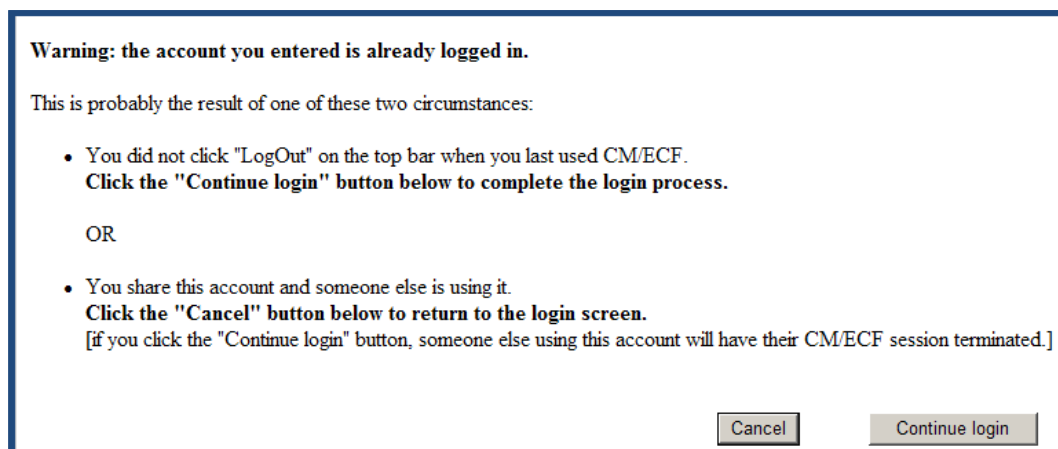
electronically filing documents in CM/ECF, however, it is not necessary to enter anything in the **client code** box.

- Read the “**IMPORTANT NOTICE OF REDACTION RESPONSIBILITY**” advisory and click the checkbox for the affirmation statement which says, “I understand that, if I file, I must comply with the redaction rules. I have read this notice.” Then click on **Login** to transmit the information to the CM/ECF system.
- If an invalid login or password is submitted, the system responds with an error message. Click on your web browser’s back arrow and re-enter a valid CM/ECF login and password. After five failed login attempts, your CM/ECF user account will be “locked” for five minutes and the following message will appear:

Your account is temporarily disabled because an incorrect password was given 5 times. If you do not know who entered the incorrect passwords, or if you need to have your password changed, please contact the System Administrator. Otherwise, please try again in approximately 5 minutes.

After the initial five-minute timeout period has expired, the next failed login attempt will increase the timeout period to six minutes. After the new six-minute timeout period has expired, the next failed attempt will increase the timeout period to seven minutes, and so on. Contact the Clerk’s Office at one of the numbers listed in the [HELP DESK](#) section of this user manual if you need password assistance.

- If you did not log out from your previous CM/ECF session, or if your unique login and password are in use by someone else, you will see the following message:

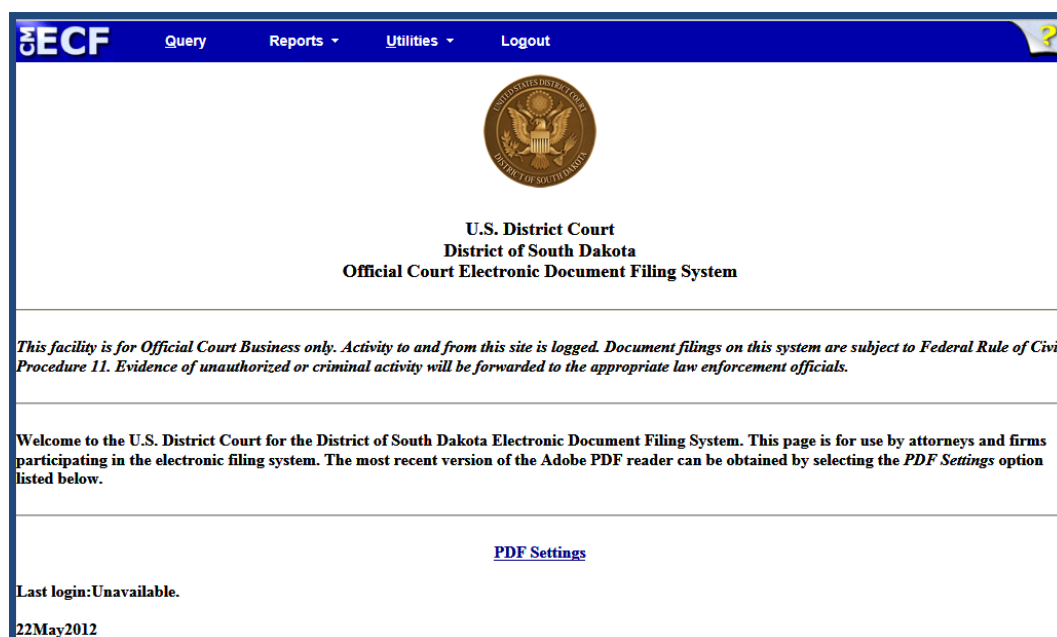


As stated in the message, clicking on **Continue login** will terminate any pending CM/ECF session and will log you into the CM/ECF system. Clicking on **Cancel** will return you to the previous CM/ECF Login screen.

- The following **CM/ECF Menu** screen is displayed after the entry of a valid *CM/ECF* login and password combination:



The following **PACER Menu** screen is displayed after the entry of a valid *PACER* login and password combination:



Notice the **Civil** and **Criminal** menu options are missing from the blue menu bar on the **PACER Menu** screen. If you inadvertently logged into PACER, click on **Logout** on the blue menu bar and log into the CM/ECF system using a valid CM/ECF login and password combination. In this situation, you may have to clear your web browser's cache before you can successfully log into CM/ECF. For more information about clearing your cache, see the [CLEARING YOUR WEB BROWSER'S CACHE](#) section of this user manual.

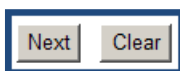
When you log into CM/ECF, the last date when you were logged into the system appears in the bottom left-hand corner of the **CM/ECF Menu** screen. You should review this information when you log into CM/ECF for security reasons. If you suspect someone is using your CM/ECF login and password without your permission, immediately change your CM/ECF password and call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual to report your suspicions.

For information about changing your password, see the [Maintain Your Password](#) section of this user manual.

IMPORTANT If the **Civil** and the **Criminal** menu options are missing from the blue menu bar, you are NOT logged into CM/ECF with a valid CM/ECF login and password combination. Instead, you may be logged into PACER with a PACER login and password combination. If you are logged into PACER, you can look at documents and other information stored in CM/ECF but you cannot electronically file documents in CM/ECF.

PREPARING TO E-FILE IN CM/ECF

- During the electronic filing process, you (the filer) will notice each screen contains the following two buttons:



- Clicking on the **Next** button accepts your entries on that particular screen and moves you to the next screen in the filing process.
 - Clicking on the **Clear** button clears all of your entries on that particular screen.
- At any time during the electronic filing process you can click on the yellow Question Mark icon on the blue menu bar for online help.



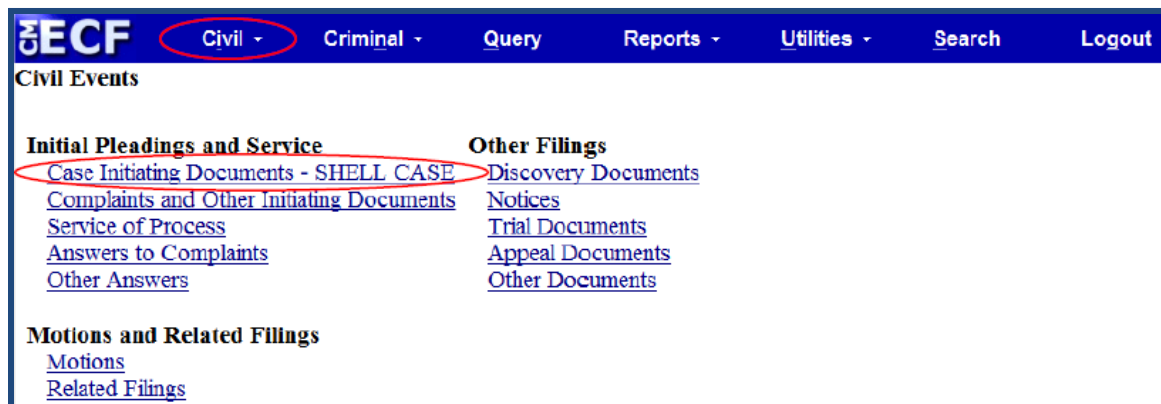
- There are six basic steps involved in e-filing a document in CM/ECF, including the following:
 - Selecting the correct event
 - Entering the case number of the case in which the document is to be filed
 - Designating the party or parties filing the document
 - Attaching the PDF document(s) to be filed
 - Submitting the document to CM/ECF
 - Confirming submission of the document to CM/ECF

Contained in this user manual are three step-by-step guides which will walk you through the entire process of e-filing a document in CM/ECF. First, is a guide for e-filing a civil complaint in a divisional *shell* case. Click [here](#) for this guide. Second, is a guide for e-filing a motion in a *civil* case. Click [here](#) for this guide. Third, is a guide for e-filing a motion in a *criminal* case. Click [here](#) for this guide. Electronically filing other types of documents in CM/ECF is substantially similar to e-filing these types of documents in CM/ECF. For more information about e-filing other types of documents in CM/ECF, see the [E-FILING OTHER DOCUMENTS](#) section of this user manual.

STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE

Before e-filing a civil complaint in a shell case, please review the [E-FILING CIVIL CASE INITIATING DOCUMENTS](#) section of this user manual.

After logging into CM/ECF, select **Civil** on the blue menu bar to bring up the following **Civil Events** menu.



1. Click on the **Case Initiating Documents – SHELL CASE** menu under **Initial Pleadings and Service** to bring up the following list of events:

Case Initiating Documents - Shell Case

Start typing to find an event.

Available Events (click to select an event)	Selected Event
Civil Cover Sheet (SHELL CASE) Complaint (SHELL CASE) Complaint - Prisoner Civil Rights (42:1983) (SHELL CASE) Complaint - Social Security Appeal (SHELL CASE) Motion to Proceed in Forma Pauperis (SHELL CASE) Motion to Reduce Sentence - Johnson Claim (SHELL CASE) Motion to Vacate/Set Aside/Correct Sentence (28:2255) (SHELL CA Notice of Removal (SHELL CASE) Petition for Writ of Error Coram Nobis (SHELL CASE) Petition for Writ of Habeas Corpus (28:2241) (SHELL CASE) Petition for Writ of Habeas Corpus (28:2254) (SHELL CASE) Petition for Writ of Mandamus (SHELL CASE) Petition to Enforce IRS Summons (SHELL CASE) Request for Issuance of Summons(es) (SHELL CASE)	<input type="text"/>

You (the filer) must choose an event whenever you e-file a document in CM/ECF. Look through the list of **Available Events** on the left side of this screen and select the **Complaint (SHELL CASE)** event by clicking on it. This will cause the event to move from the **Available Events** box on the left side of the screen to the **Selected Events** box on the right side of the screen.

Case Initiating Documents - Shell Case

Available Events (click to select an event)	Selected Event
Civil Cover Sheet (SHELL CASE) Complaint (SHELL CASE) Complaint - Prisoner Civil Rights (42:1983) (SHELL CASE) Complaint - Social Security Appeal (SHELL CASE) Motion to Proceed in Forma Pauperis (SHELL CASE) Motion to Reduce Sentence - Johnson Claim (SHELL CASE) Motion to Vacate/Set Aside/Correct Sentence (28:2255) (SHELL CA Notice of Removal (SHELL CASE) Petition for Writ of Error Coram Nobis (SHELL CASE) Petition for Writ of Habeas Corpus (28:2241) (SHELL CASE) Petition for Writ of Habeas Corpus (28:2254) (SHELL CASE) Petition for Writ of Mandamus (SHELL CASE) Petition to Enforce IRS Summons (SHELL CASE) Request for Issuance of Summons(es) (SHELL CASE)	Complaint (SHELL CASE)

IMPORTANT E-file your complaint or other initial *pleading* BEFORE e-filing your civil cover sheet or other civil case initiating documents in a shell case.

After selecting the **Complaint (SHELL CASE)** event, click on **Next**.

2. There are four divisional shell cases. After identifying the appropriate divisional shell case in which to file your complaint, click on **Next**.

Case Initiating Documents - Shell Case

Enter the case number for the appropriate divisional Shell Case on the NEXT screen.

- * 18-1000 (Northern Division shell case)
- * 18-3000 (Central Division shell case)
- * 18-4000 (Southern Division shell case)
- * 18-5000 (Western Division shell case)

3. This is the **Case Number** screen.

Motions

Civil Case Number

99-12345, 1:99-cv-12345, 1-99-cv-12345, 99cv12345, or 1:99cv12345

The system will automatically insert the case number of the last case you accessed during your current CM/ECF session in the **Civil Case Number** box on this screen. Otherwise, if you haven't previously accessed a case or you want to e-file in a different case, enter the number for the appropriate divisional shell case in the **Civil Case Number** box on this screen.

Case Initiating Documents - Shell Case

Civil Case Number

18-4000 Find This Case

Next Clear

When the case number is entered, click on **Find This Case** and then click on **Next**.

4. The following **Case Number Verification** screen contains an active hyperlink for the case number you entered on the previous screen. Do *not* click on this hyperlink.

Case Initiating Documents - Shell Case

[4:18-cv-04000 Southern Division Civil Shell Case](#)

Next Clear

After verifying you are filing in the correct divisional shell case, click on **Next**.

5. The following screen is the **Filer** screen.

Case Initiating Documents - Shell Case

Select Plaintiff(s) on the RIGHT side of this screen (even if you are filing a Notice of Removal).

Pick Filer

[Collapse All](#) [Expand All](#)

Defendant(s) dft

Plaintiff(s) pla

Select the filer.

Select the Party:

Defendant(s) [dft]

Plaintiff(s) [pla]

Next Clear New Filer

This screen is divided into two panes. As directed, select Plaintiff(s) on the right side of this screen and click on **Next**.

6. The next screen is the **Attorney/Party Association** screen.

Case Initiating Documents - Shell Case
Attorney/party associations should NOT be created in a Shell Case!
UNCHECK the association box on the LEFT side of THIS screen.
Select Defendant(s) on the RIGHT side of the NEXT screen (even if you are filing a Notice of Removal).
The following attorney/party associations do not exist.
Leave the check in the box on the left of the screen for associations which should be created.
If the association should *not* be created, be sure the box is *unchecked*.
☒ Plaintiff(s) (pty:pla) represented by Michelle Tapken (aty) ☒ Lead ☒ Notice

The first time you e-file a document in a case, you normally want to ensure an association between yourself and the party you represent has been created so your representation appears on the public docket sheet for the case. However, when filing in a shell case, you do *not* want to create an attorney/party association.

Uncheck the association box in the lower left-hand portion of the **Attorney/Party Association** screen so you do *not* create an attorney/party association in the shell case.

Case Initiating Documents - Shell Case

Attorney/party associations should NOT be created in a Shell Case!

UNCHECK the association box on the LEFT side of THIS screen.

Select Defendant(s) on the RIGHT side of the NEXT screen (even if you are filing a Notice of Removal).

The following attorney/party associations do not exist.

Leave the check in the box on the left of the screen for associations which should be created.

If the association should *not* be created, be sure the box is *unchecked*.

☐ Plaintiff(s) (pty:pla) represented by Michelle Tapken (aty) ☒ Lead ☒ Notice

Next

Clear

Click on **Next** to continue.

7. As directed on the previous screen, select Defendant(s) on the right side of this screen and click on **Next**.

Case Initiating Documents - Shell Case

Pick Party

[Collapse All](#) [Expand All](#)

Plaintiff(s) pla

Defendant(s) dft

Please select the party that this filing is against.

Select the Party: **OR** **Select a Group:**

Plaintiff(s) [pla]

Defendant(s) [dft]

☒ No Group

☐ All Defendants

☐ All Plaintiffs

☐ All Parties

Next Clear New Party

8. You will be reminded to separately file your civil cover sheet. Click on **Next** to continue.
9. Following is the **Attachment** screen.

Motions
 4:13-cv-04001-JLV Blackcloud v.
 Dooley et al CASE CLOSED on
 11/17/2014
 CLOSED,PROSE

A description is required for each attachment. You may also select a category, but it is not required. "Exhibit A" is an insufficient description. "Exhibit A - Receipt" is a sufficient description.
 Select the pdf document and any attachments.

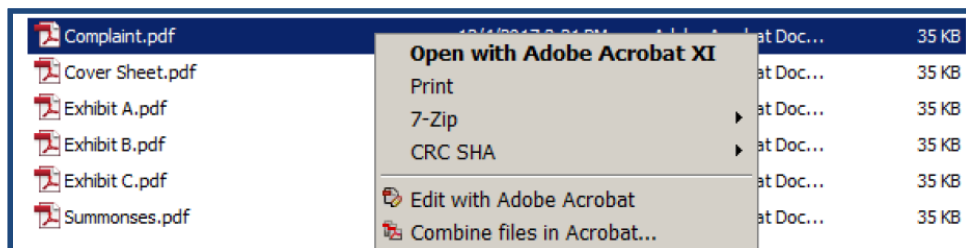
Main Document

Attachments	Category	Description
1. <input type="text"/>	<input type="button" value="Browse..."/>	<input type="text"/> <input type="button" value="v"/>

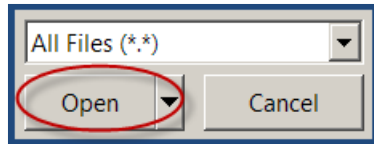
This screen allows you to upload your complaint (the main document) and any attachments you may have to your complaint. Do not attach your civil cover sheet or anything else to your complaint other than exhibits. Remember, the complaint and its attachments must be in PDF format and each PDF document cannot be larger than 12MB. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

Click the **Browse** button next to the **Main Document** box and locate the saved complaint document.

IMPORTANT When you have located the saved complaint, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it is the correct document and it is properly signed.



After you have confirmed the document is the correct document and it is properly signed, close the document and click on the **Open** button located in the lower right-hand portion of your screen.



You will be taken back to the **Attachment** screen. You will now see the **Main Document** box has been populated with the selected PDF document file.

Case Initiating Documents - Shell Case

Date document filed (mandatory)
 12/4/2017

A description is required for each attachment. You may also select a category, but it is not required. "Exhibit A" is an insufficient description. "Exhibit A - Receipt" is a sufficient description. Select the pdf document and any attachments.

Main Document
 P:\PDF Documents\Complaint.pdf

Attachments	Category	Description
1. <input style="width: 150px;" type="text"/> <input style="margin-left: 10px;" type="button" value="Browse..."/>	<input style="width: 50px;" type="text"/> <input style="width: 20px;" type="button" value="v"/>	<input style="width: 100px;" type="text"/>

If you have exhibits to your complaint, they must each be separately scanned to PDF format and separately attached. Do *not* attach a civil cover sheet, motions, or summons(es) to your complaint. These types of documents should be filed separately using the appropriate events listed under the **Case Initiating Documents – SHELL CASE** events menu.

To add an attachment to your complaint, click on the **Browse** button next to the first **Attachments** box and locate the saved exhibit.

IMPORTANT When you have located the saved exhibit, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it is the correct document.

After you have confirmed the document is the correct document, close the document. Click on the **Open** button located in the lower right-hand portion of your screen. You will be taken back to the **Attachment** screen where you will see the first **Attachments** box has been populated with the selected PDF document file.

Main Document					
P:\PDF Documents\Complaint.pdf		Browse...			
Attachments		Category	Description		
1.	P:\PDF Documents\Exhibit A.pdf	Browse...	Exhibit	A - Contract	Remove
2.		Browse...			
<input type="button" value="Next"/> <input type="button" value="Clear"/>					

All attachments must be properly described. For an exhibit, click on the drop-down arrow for the **Category** box and select **Exhibit** from the drop-down list and type a description of the exhibit in the **Description** box. A combination of whatever is in the **Category** and **Description** boxes will appear in the docket text on the public docket sheet.

After you have finished attaching and describing the *first* attachment, you can continue attaching as many additional attachments as you want—up to the 40MB limit. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

When you are finished attaching your complaint (the main document) and any attachments (exhibits) you may have to your complaint, click on **Next**.

10. Answer the question on the following screen and click on **Next**.

Which division are you filing in?	
<input type="radio"/>	Northern Division
<input type="radio"/>	Central Division
<input type="radio"/>	Southern Division
<input type="radio"/>	Western Division
<input type="button" value="Next"/> <input type="button" value="Clear"/>	

11. Enter the last name of the *first plaintiff* and the last name of the *first defendant* on the following screen and click on **Next**.

Enter the last name of the <u>first</u> Plaintiff:	<input type="text"/>
Enter the last name of the <u>first</u> Defendant:	<input type="text"/>
<input type="button" value="Next"/> <input type="button" value="Clear"/>	

12. Answer the question on the following screen and click on **Next**.

Does this complaint include a jury demand?

☐ No
☐ Yes

Next Clear

13. Answer the question on the following screen and click on **Next**.

Are you requesting a waiver of the 400 dollar filing fee?

☒ No
☐ Yes

Next Clear

If you answer “Yes” to this question and click on **Next**, you will be reminded you should have filed a motion to proceed in forma pauperis (ifp) *before* you filed your complaint. Skip to **Step 17** of these instructions to continue.

If you answer “No” to the question, proceed to **Step 14** of these instructions to continue.

14. You must answer the following question.

Have you already paid the filing fee?

☒ No
☐ Yes

Next Clear

If you answer “No” to this question and click on **Next**, you will be routed to **Pay.gov** and presented with the following security protected **Credit Card Payment Information** screen, unless you are a government attorney. (Government attorneys should skip to **Step 16** of these instructions to continue.) Information from your (the filer’s) CM/ECF person record is used to pre-populate some of the fields on this screen. For more information about Pay.gov, see the [PAY.GOV](#) section of this user manual, the [Pay.gov for Attorneys](#) document posted on the district court’s website, or go to the Pay.gov website located at www.pay.gov.

If you answer “Yes” to this question, skip to **Step 15** of these instructions to continue.

Online Payment [Return to your originating application](#)

Step 1: Enter Payment Information 1 | 2

Pay Via Plastic Card (PC) (ex: American Express, Discover, Mastercard, VISA)

Required fields are indicated with a red asterisk *

Account Holder Name: *

Payment Amount: \$400.00

Billing Address: *





Billing Address 2:

City:

State / Province:

Zip / Postal Code:

Country: *

Card Type: *    

Card Number: * (Card number value should not contain spaces or dashes)

Security Code: * [Help finding your security code](#)

Expiration Date: * / *

Select the "Continue with Plastic Card Payment" button to continue to the next step in the Plastic Card Payment Process.

Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.

After entering your credit card payment information on the **Credit Card Payment Information** screen, click on the **Continue with Plastic Card Payment** button on the bottom of this screen to continue. Fields identified with a **red asterisk*** on this screen must be completed.

IMPORTANT Do NOT use the browser's "back" button during the payment process.

The following **Payment Summary and Authorization** screen will display.

Online Payment [Return to your originating application](#)

Step 2: Authorize Payment 1 | 2

Payment Summary [Edit this information](#)

Address Information	Account Information	Payment Information
Account Holder Name: Robert Anderson 123 Main Street Billing Address: Street Billing Address 2: City: State / Province: Zip / Postal Code: 57104 Country: USA	Card Type: Visa Card Number: *****0622	Payment Amount: \$400.00 Transaction Date and Time: 12/06/2017 17:44 EST

Email Confirmation Receipt

To have a confirmation sent to you upon completion of this transaction, provide an email address and confirmation below.

Email Address:

Confirm Email Address:

CC: Separate multiple email addresses with a comma

Authorization and Disclosure

Required fields are indicated with a red asterisk *

I authorize a charge to my card account for the above amount in accordance with my card issuer agreement.

☐ *

Press the "Submit Payment" Button only once. Pressing the button more than once could result in multiple transactions.

Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.

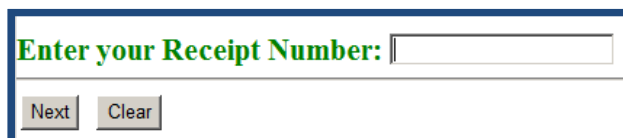
If you enter e-mail information on this screen, a confirmation message containing the fee amount and the receipt number will be sent by Pay.gov to the e-mail address you entered. After confirming the information on this screen is correct, click the **Authorization** checkbox on the lower left-hand side of this screen and then click on the **Submit Payment** button at the bottom of the page to continue.

WARNING! Only click ONCE on the Submit Payment button! Clicking on the **Submit Payment** button more than once could result in multiple transactions to your credit card!

IMPORTANT After clicking on the **Submit Payment** button, your credit card may be charged even if you do not finish filing your complaint. Finish filing your complaint.

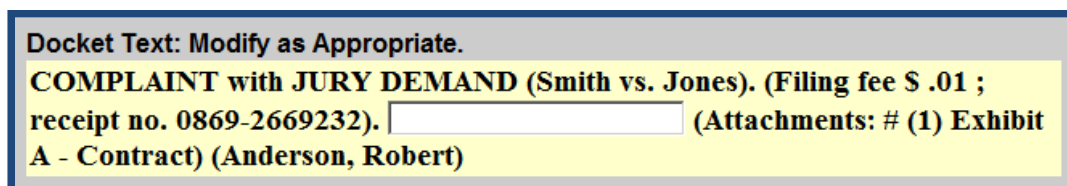
If the credit card transaction is approved, you will be returned to CM/ECF to finish filing your complaint. Skip to **Step 17** of these instructions to continue.

15. If you answered “Yes” to the question in **Step 14** of these instructions, you will be asked to enter your receipt number on the following screen.

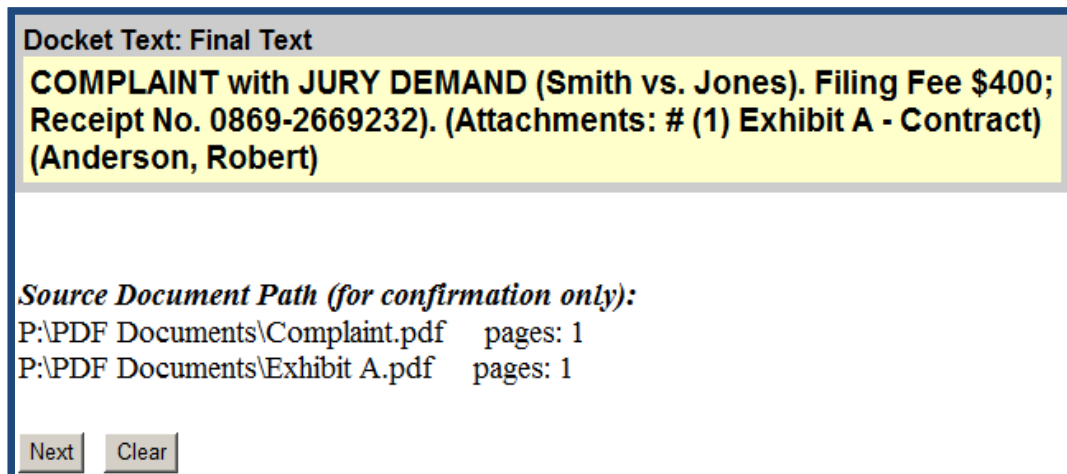


After entering your receipt number, click on **Next** to continue.

16. You will be reminded you can request summons(es) be issued. Click on **Next** to continue.
17. You will be encouraged to print a copy of the NEF receipt screen when you are finished filing your complaint. Click on **Next** to continue.
18. Following is the **Docket Text Modification** screen. If everything looks correct, click on **Next**. Otherwise, use the back arrow on your browser tool bar to go back and make corrections, keeping in mind you may have already paid a filing fee.



19. Following is the **Final Docket Text** screen.



IMPORTANT Do NOT click on the **Next** button on the **Final Docket** Text screen until you are satisfied everything is correct.

If you see an error on this screen, click on your web browser's back arrow (you may have to click on it twice) to go back and correct the error. Otherwise, you can start the filing process over from the beginning by clicking on **Civil** on the blue menu bar. Keep in mind you may have already paid a filing fee.

Clicking on the **Next** button commits your transaction. You will not have another opportunity to modify this transaction if you continue. When you are sure everything is correct, click on **Next**.

Congratulations! Your complaint is now filed in the divisional shell case. The main document (and any attachments) has been transmitted to the CM/ECF system. Next, e-file your civil cover sheet in the shell case using the **Civil Cover Sheet (SHELL CASE)** event. You should also e-file a motion to proceed in forma pauperis using the **Motion to Proceed in Forma Pauperis (SHELL CASE)** event or request issuance of summons using the **Request for Issuance of Summons(es) (SHELL CASE)** event.

The CM/ECF system will immediately send an NEF receipt back to your computer screen confirming the document was received. You are encouraged to print or save a copy of the NEF receipt because you will not receive an NEF e-mail when the complaint is e-filed in the divisional shell case. You will receive an NEF e-mail, however, when a new civil case is opened and your complaint is re-filed in the new civil case. For more information about NEF receipts, see the [NEF RECEIPT](#) section of this user manual. For more information about NEF e-mails, see the [NOTICE OF ELECTRONIC FILING \(NEF\) E-MAIL](#) section of this user manual.

Case Initiating Documents - Shell Case**U.S. District Court****District of South Dakota****Notice of Electronic Filing**

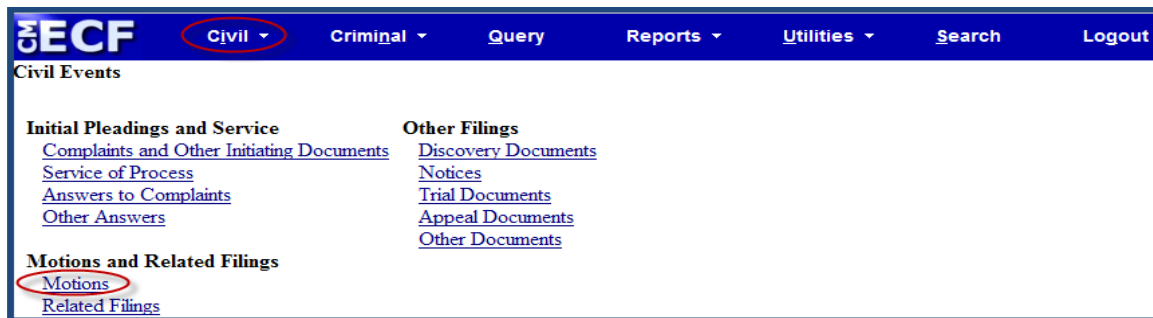
The following transaction was entered on 12/5/2017 at 6:03 PM CST and filed on 12/5/2017

Case Name: Southern Division Civil Shell Case**Case Number:** [4:18-cv-04000](#)**Filer:** Plaintiff(s)**Document Number:** [2](#)**Docket Text:****COMPLAINT with JURY DEMAND (Smith vs. Jones). Filing Fee \$400; Receipt No. 0869-2669232). (Attachments: # (1) Exhibit A - Contract) (Anderson, Robert)****4:18-cv-04000 Notice has been electronically mailed to:****4:18-cv-04000 This document must be sent in hard copy to:**

Continue filing the rest of your civil case initiating documents in the divisional shell case using the appropriate events listed on the **Case Initiating Documents – SHELL CASE** menu. Please wait to e-file corporate disclosure statements, all motions (except motions to proceed ifp), and all other case documents until after the new civil case has been opened in CM/ECF.

STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CIVIL CASE

After logging into CM/ECF, click on **Civil** on the blue menu bar to bring up the following **Civil Events** menu.



1. Click on **Motions** under **Motions and Related Filings** to bring up the following menu of events:

Motions

Start typing to find an event.

Available Events (click to select events)

- Admission Pro Hac Vice
- Alter Judgment
- Amend/Correct
- Appoint Counsel
- Appoint Guardian/Attorney ad Litem
- Attorney Fees
- Bifurcate
- Bond
- Certificate of Appealability
- Change Venue
- Compel
- Consolidate Cases
- Continue
- Costs
- Default Judgment

Selected Events (click to remove events)

Next Clear

You (the filer) must choose an event whenever you e-file a document in CM/ECF. Use the scroll bar to scroll through the list of **Available Events** on the left side of this screen to find your desired motion event. Select a motion event by clicking on it. This will cause the motion event to move from the **Available Events** box on the left side of this screen to the **Selected Events** box on the right side of this screen.

For a complete list of all the civil motion events, see the [Civil Case Events List](#) document posted on the district court's website. For more information about events, see the [EVENTS](#) section of this user manual.

IMPORTANT Never select an event labeled "COURT USE ONLY" event.

IMPORTANT It is important to select the correct event. Selecting the wrong event can have negative and unintentional consequences. If you are unsure about which event to use, contact the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual BEFORE e-filing a document in CM/ECF.

Motions

Start typing to find another event.

Available Events (click to select events)

- Leave to
- Miscellaneous Relief
- More Definite Statement
- New Trial
- Oral Motion (COURT USE ONLY)
- Partial Summary Judgment
- Permanent Injunction
- Preliminary Injunction
- Proceed In Forma Pauperis
- Produce
- Protective Order**
- Quash
- Reassign Case
- Reconsideration
- Recusal

Selected Events (click to remove events)

- Protective Order

Next Clear

Alternatively, you may be able to more quickly find a desired motion event in the list of **Available Events** by typing the first letter of the first word in its title or a few letters from any word in its title in the text box above the list of **Available Events**. The list of **Available Events** will then collapse to include only those motion events which begin with the letter or letters entered.

Another option for locating an event is clicking on **Search** on the blue menu bar. For more information about using the **Search** menu, see the [SEARCH MENU](#) section of this user manual.

When filing a multi-part motion, select all applicable motion events in the list of **Available Events** so they all appear in the **Selected Events** box.

If a motion event is selected in error, it can be removed by clicking on it in the **Selected Events** box. The motion event will then move back to the list of **Available Events**.

After selecting the desired motion event(s), click on **Next**.

- Following is the **Case Number** screen.

Motions

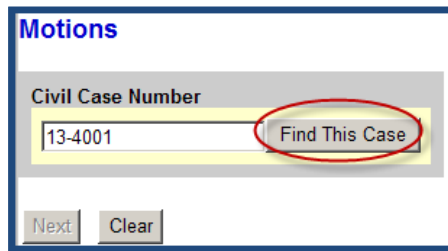
Civil Case Number

99-12345, 1:99-cv-12345, 1-99-cv-12345, 99cv12345, or 1:99cv12345

Next Clear

The system will automatically insert the case number of the last case you accessed during your current CM/ECF session in the **Civil Case Number** box on this screen. Otherwise, if you haven't previously accessed a case or you want to e-file in a different case, enter

the number of the case in which the motion is to be filed in the **Civil Case Number** box using any of the accepted formats.



The screenshot shows a web form titled "Motions". It has a section labeled "Civil Case Number" containing a text input field with the value "13-4001" and a button labeled "Find This Case". The "Find This Case" button is circled in red. Below this section are two buttons: "Next" and "Clear".

When the civil case number is entered, click on **Find This Case** and then click on **Next**.

3. The following **Case Number Verification** screen contains an active hyperlink for the case number you entered on the previous screen. Do *not* click on this hyperlink on the **Case Number Verification** screen unless you want to be routed to a **PACER Login** screen so you can access case documents or other information stored in CM/ECF.



The screenshot shows a web form titled "Motions". It displays the case number "4:13-cv-04001-JLV Blackcloud v. Dooley et al" followed by the status "CASE CLOSED on 11/17/2014". Below this, the text "CLOSED,PROSE" is shown. At the bottom are two buttons: "Next" and "Clear".

This screen also includes any flags raised in the case and the date when the case was closed, if it was closed. Although a case may have been closed and a **CLOSED** flag has been raised in the case, you can still e-file documents in the case. For more information about case flags, click on the **Utilities** menu on the blue menu bar and click on the active **Court Information** hyperlink on the subsequent screen.

After verifying the case number is correct, click on **Next**.

4. The following screen is the **Filer** screen.

Motions
 4:13-cv-04001-JLV Blackcloud v.
 Dooley et al CASE CLOSED on
 11/17/2014
 CLOSED, PROSE

Pick Filer

[Collapse All](#) [Expand All](#)

Edward P. Blackcloud pla
 Amy Dean dft
 Degleman dft
 Bob Dooley dft
 L. Good dft
 Brook Haga dft
 Joe Hanvey dft
 Susan Jacobs dft
 Johnson dft
 Corey Nelson dft
 Pennington County Jail dft
 Jennifer Stanwick dft
 Mark Steil dft
 Randy Stevens dft
 Major Tjeerdsma dft
 Unknown Staff from Department of Correction

Select the filer.

Select the Party:

Blackcloud, Edward P. [pla]
 Dean, Amy [dft]
 Degleman [dft]
 Dooley, Bob [dft]
 Good, L. [dft]
 Haga, Brook [dft]
 Hanvey, Joe [dft]
 Jacobs, Susan [dft]

Next Clear New Filer

This screen is divided into two panes. The left pane is informational. It contains a party tree which can be expanded to include party and attorney information or collapsed by clicking on the active **Expand All** hyperlink.

In the right pane, you are directed to select the party or parties for whom you are filing the motion from the list of parties currently in the case. If necessary, use the scroll bar to scroll through the list of parties. If the party you are looking for appears in the list, click on it so it is highlighted. To select more than one party, hold down the **Ctrl** key on your computer keyboard and select the additional party or parties so they are also highlighted.

If the party you are looking for does not appear in the list, click on the **New Filer** button to add the party or call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual. The Clerk's Office will advise you regarding the appropriate action to take.

When the correct party/parties is highlighted, click on **Next**.

5. The first time you file a document in a civil case, you may see the following **Association** screen.

The following attorney/party associations do not exist.

Leave the check in the box on the left of the screen for associations which should be created.

If the association should *not* be created, be sure the box is *unchecked*.

☒ Amy Dean (pty:dft) represented by Michelle Tapken (aty) ☒ Lead ☒ Notice

If you do, it is because you are not associated with the party or parties selected on the previous screen or your selection on the previous screen was invalid.

If you selected the wrong party on the previous screen, click on your web browser's back arrow to go back to the previous screen and change your selection.

If your selection on the previous screen was correct, make sure the checkbox on the left side of this screen is checked for each new attorney/party association which should be established. When you create an attorney/party association, your representation will appear on the docket sheet for the case. There are also two checkboxes on the right side of this screen. If you are not lead counsel, you can uncheck the **Lead** checkbox. Do *not* uncheck the **Notice** checkbox.

IMPORTANT Never uncheck the **Notice** checkbox. If you do, you will not receive electronic notice when something is filed in this case in the future.

Click on **Next** to continue.

6. Following is the **Attachment** screen.

Motions
[4:13-cv-04001-JLV Blackcloud v. Dooley et al](#) CASE CLOSED on 11/17/2014
 CLOSED,PROSE

A description is required for each attachment. You may also select a category, but it is not required. "Exhibit A" is an insufficient description. "Exhibit A - Receipt" is a sufficient description.
 Select the pdf document and any attachments.

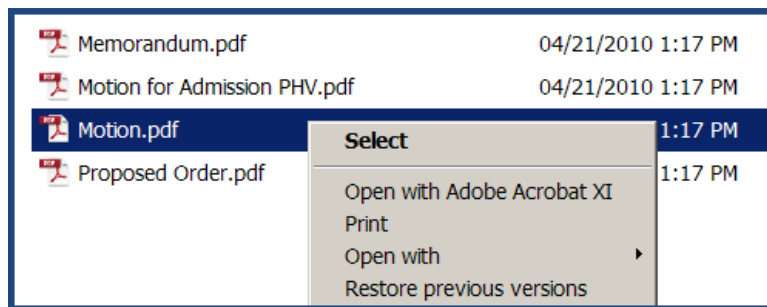
Main Document

Attachments	Category	Description
1. <input type="text"/>	<input type="button" value="Browse..."/>	<input type="text"/> <input type="button" value="v"/>

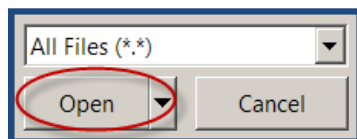
This screen allows you to upload your motion (the main document) and any attachments you may have to your motion. Remember, the motion and any attachments must be in PDF format and each PDF document cannot be larger than 12MB. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

Click the **Browse** button next to the **Main Document** box and locate the saved motion document.

IMPORTANT When you have located the saved motion, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it is the correct document and it is properly signed.



After you have confirmed the document is the correct document and it is properly signed, close the document and click on the **Open** button located in the lower right-hand portion of your screen.



You will be taken back to the **Attachment** screen. You will now see the **Main Document** box has been populated with the selected PDF document file.

A description is required for each attachment. You may also select a category, but it is not required. "Exhibit A" is an insufficient description. "Exhibit A - Receipt" is a sufficient description. Select the pdf document and any attachments.

Main Document

Attachments	Category	Description
1. <input type="text"/>	<input type="button" value="Browse..."/>	<input type="text"/>

If you have attachments to your motion (e.g., a proposed order or exhibits), they must each be separately scanned to PDF format and separately attached.

To add an attachment to your motion, click on the **Browse** button next to the first **Attachments** box and locate the saved attachment.

IMPORTANT When you have located the saved attachment, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it is the correct document.

After you have confirmed it is the correct document, close the document and click on the **Open** button located in the lower right-hand portion of your screen.

You will be taken back to the **Attachment** screen where you will see the first **Attachments** box has been populated with the selected PDF document file.

Main Document			
P:\ECF Training\PDF Training Documents		Browse...	
Attachments		Category	Description
1.	P:\ECF Training\PDF Training Documents Browse...	Proposed Order	Remove
2.	P:\ECF Training\PDF Training Documents Browse...		Exhibit 1 - Photo Remove
3.	P:\ECF Training\PDF Training Documents Browse...		Exhibit 2 - Letter Remove
4.	Browse...		
Next Clear			

All attachments must be properly described. Unless you are attaching a proposed order, you can skip the **Category** box and type a brief description of the attachment in the **Description** box. A combination of whatever is in the Category and Description boxes will appear in the docket text on the public docket sheet. “Exhibit A – Photo,” Exhibit A – Photo of House,” “Exhibit 2 – Letter,” and “Exhibit 2 – Letter signed by Shane Brown” are examples of properly described attachments. “Exhibit,” “Exhibit A,” and “Exhibit 2” are examples of insufficiently described exhibits.

If you are attaching a proposed order, click on the drop-down arrow for the **Category** box and select **Text of Proposed Order** from the list. It is not necessary to include a description in the **Description** box for this type of attachment.

After you have finished attaching and describing the *first* attachment, you can continue attaching as many additional attachments as you want—up to the 40MB limit. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

When you are finished attaching your motion (the main document) and any attachments you may have to your motion, click on **Next**.

- The following screen is the **Docket Text Modification** screen.

Depending on the motion event you initially selected, you will have a limited ability to modify the docket text which will appear on the docket sheet after your motion is filed.

If available, you can click on the drop-down arrow and select an appropriate modifier from the list of modifiers to describe your motion.

You can also type descriptive text in any available text box. Whatever you type in a text box will appear in *italics* in the final docket text on the public docket sheet.

Although a text box may not be located precisely where you would like it to be, feel free to utilize it wherever it is. If necessary, Clerk's Office personnel can manipulate the docket text after your document is filed.

When you are finished modifying the docket text, click on **Next**.

8. Following is the **Final Docket Text** screen.

This screen shows you exactly how the docket entry for your motion will appear on the public docket sheet. As much as possible, the title of your motion should match the final docket text on this screen.

IMPORTANT Do NOT click on the **Next** button on this screen until you are satisfied everything is correct.

If you see an error on this screen, click on your web browser's back arrow (you may have to click on it twice) to go back and correct the error. Otherwise, you can start the filing process over from the beginning by clicking on **Civil** on the blue menu bar.

Clicking on the **Next** button commits your transaction. You will not have another opportunity to modify this transaction if you continue. When you are sure everything is correct click on **Next**.

Congratulations! Your civil motion is now filed. The main document (and any attachments) has been transmitted to the CM/ECF system.

The CM/ECF system will immediately send an NEF receipt back to your computer screen confirming the document was received. For more information about NEF receipts, see the [NEF RECEIPT](#) section of this user manual.

In addition, the CM/ECF system will immediately send an NEF e-mail to each of the appropriate case participants. For more information about NEF e-mails, see the [NOTICE OF ELECTRONIC FILING \(NEF\) E-MAIL](#) section of this user manual.

STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CRIMINAL CASE

After logging into CM/ECF, click on **Criminal** on the blue menu bar to bring up the following **Criminal Events** menu.



1. Click on **Motions** under **Motions and Related Filings** to bring up the following **Case Number** screen.

The screenshot shows the 'Motions' screen. At the top, the word 'Motions' is displayed in blue. Below it, there is a section titled 'Criminal Case Number'. This section contains a text input field followed by a dropdown menu. The dropdown menu is open, showing a list of accepted case number formats: '99-12345, 1:99-cv-12345, 1-99-cv-12345, 99cv12345, or 1:99cv12345'. Below the input field and dropdown, there are two buttons: 'Next' and 'Clear'.

The system will automatically insert the case number of the last case you (the filer) accessed during your current CM/ECF session in the **Criminal Case Number** box on this screen. Otherwise, if you haven't previously accessed a case or want to e-file in a different case, enter the number of the case in which the motion is to be filed in the **Criminal Case Number** box using any of the accepted formats.

Motions

Criminal Case Number

13-40005 Find This Case

Next Clear

When the criminal case number is entered, click on **Find This Case**.

2. If the case is a *single* defendant case, click on **Next**.

If the case is a *multiple* defendant case, a checkbox for the main case and checkboxes for each of the co-defendants' subcases will be displayed on the following screen.

Motions

Criminal Case Number

13-40005 Hide Case List

Select a case:

☐ 4:13-cr-40005-KES USA v. O'Connor et al (closed 04/14/2014) ▾

☐ 4:13-cr-40005-KES-1 Forrest O'Connor (closed 04/14/2014)

☐ 4:13-cr-40005-KES-2 Angelias Zephier (closed 10/02/2013)

Next Clear

Defense Counsel should only select their client's subcase on this screen.

Government Counsel should only select the subcase of the defendant for whom the motion pertains. Otherwise, government counsel should select the main case if the motion pertains to all of the defendants in the case.

Motions

Criminal Case Number

4:13-cr-40005-1 Hide Case List

Select a case:

☐ 4:13-cr-40005-KES USA v. O'Connor et al (closed 04/14/2014) ▾

☒ 4:13-cr-40005-KES-1 Forrest O'Connor (closed 04/14/2014)

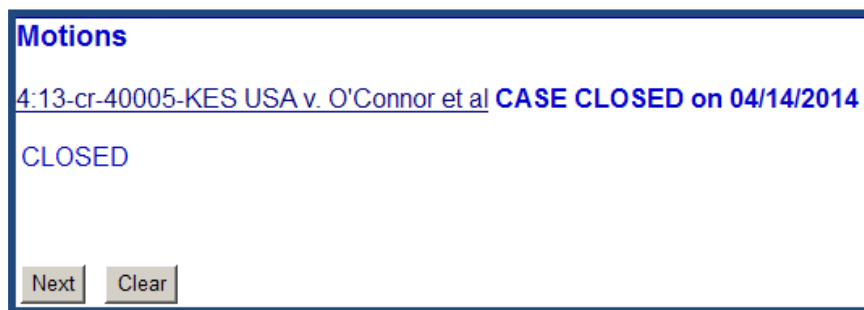
☐ 4:13-cr-40005-KES-2 Angelias Zephier (closed 10/02/2013)

Next Clear

If the main case is selected, the motion will appear on the public docket sheet in the main case and on the public docket sheets in each of the co-defendants' subcases. If one co-defendant's subcase is selected, the motion will appear on the public docket sheet in the main case and on the public docket sheet for *only* that one defendant's subcase. It will not appear on the docket sheets for any other co-defendants' subcases.

Click on **Next** to continue.

3. The following **Case Number Verification** screen contains an active hyperlink for the case number you entered on the previous screen. Do *not* click on this hyperlink unless you want to be rerouted to a **PACER Login** screen so you can access case documents or other information stored in CM/ECF.



Motions

[4:13-cr-40005-KES USA v. O'Connor et al](#) **CASE CLOSED on 04/14/2014**

CLOSED

This screen also includes any flags raised in the case and the date when the case was closed, if it was closed. Although a case may have been closed and a **CLOSED** flag has been raised in the case, you can still e-file documents in the case. For more information about case flags, click on **Utilities** on the blue menu bar and click on the active [Court Information](#) hyperlink on the subsequent screen.

After verifying the case number is correct, click on **Next**.

4. The following screen is the **Filer** screen.

Motions
4:13-cr-40005-KES USA v.
O'Connor et al **CASE CLOSED**
on 04/14/2014

CLOSED

[Collapse All](#) [Expand All](#)

USA pla
Forrest O'Connor (T) dft
Angelias Zephier (T) dft

Select the filer.

Select the Party:

USA [pla]
O'Connor, Forrest (T) [dft]
Zephier, Angelias (T) [dft]

Next Clear

This screen is divided into two panes. The left pane is informational. It contains a party tree that can be expanded to include party and attorney information or collapsed by clicking on the active **Expand All** hyperlink.

In the right pane, you are directed to select the party for whom you are filing the motion from the list of parties currently in the case. If necessary, use the scroll bar to scroll through the list of parties. If the party you are looking for appears in the list, click on it so it is highlighted.

When the correct party is highlighted, click on **Next**.

5. Following is the **Motions Events** menu screen.

Motions
[4:13-cr-40005-KES USA v. O'Connor et al](#) **CASE CLOSED**
on 04/14/2014

CLOSED

Start typing to find an event.

Available Events (click to select events)

- 5K1.1 Motion (COURT USE ONLY)
- Acquittal
- Admission Pro Hac Vice
- Amend/Correct
- Amended Petition to Revoke (COURT USE ONLY)
- Appeal In Forma Pauperis
- Appoint Counsel
- Appoint Expert
- Bifurcate
- Bill of Particulars
- Brady Materials
- Certificate of Appealability
- Change Venue
- Compel
- Competency Evaluation

Selected Events (click to remove events)

You must choose an event whenever you e-file a document in CM/ECF. Use the scroll bar to scroll through the list of **Available Events** on the left side of this screen to find your desired motion event. Select a motion event by clicking on it. This will cause the motion event to move from the **Available Events** box on the left side of this screen to the **Selected Events** box on the right side of this screen.

For a complete list of all the criminal motion events, see the [Criminal Case Events List](#) document posted on the district court's website. For more information about events, see the [EVENTS](#) section of this user manual.

IMPORTANT Never select an event labeled "COURT USE ONLY" event.

IMPORTANT It is important to select the correct event. Selecting the wrong event can have negative and unintentional consequences. If you are unsure about which event to use, contact the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual BEFORE e-filing a document in CM/ECF.

Motions
[4:13-cr-40005-KES USA v. O'Connor et al](#) **CASE CLOSED**
on 04/14/2014

CLOSED

Start typing to find another event.

Available Events (click to select events)

- 5K1.1 Motion (COURT USE ONLY)
- Acquittal
- Admission Pro Hac Vice
- Amend/Correct
- Amended Petition to Revoke (COURT USE ONLY)
- Appeal In Forma Pauperis
- Appoint Counsel
- Appoint Expert
- Bifurcate
- Bill of Particulars
- Brady Materials
- Certificate of Appealability
- Change Venue
- Compel
- Competency Evaluation

Selected Events (click to remove events)

- Compel

Next Clear

Alternatively, you may be able to more quickly find a desired motion event in the list of **Available Events** by typing the first letter of the first word in its title or a few letters from any word in its title in the text box above the list of **Available Events**. The list of **Available Events** will collapse to include only those motion events containing the letter or letters entered.

Another option for locating an event is clicking on **Search** on the blue menu bar. For more information about using the **Search** menu, see the [SEARCH MENU](#) section of this user manual.

When filing a multi-part motion, select all applicable motion events in the list of **Available Events** so they all appear in the **Selected Events** box.

If a motion event is selected in error, it can be removed by clicking on it in the **Selected Events** box. The motion event will then move back to the list of **Available Events**.

After selecting the desired motion event(s), click on **Next**.

6. Following is the **Attachment** screen.

Motions
4:13-cv-04001-JLV Blackcloud v.
Dooley et al CASE CLOSED on
11/17/2014
CLOSED,PROSE

A description is required for each attachment. You may also select a category, but it is not required. "Exhibit A" is an insufficient description. "Exhibit A - Receipt" is a sufficient description.
Select the pdf document and any attachments.

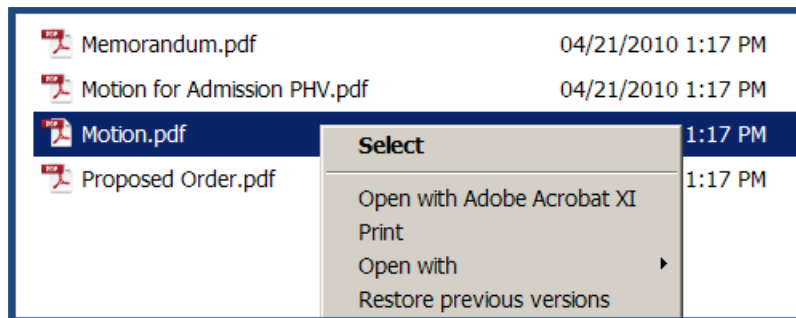
Main Document

Attachments	Category	Description
1. <input type="text"/>	<input type="button" value="Browse..."/>	<input type="text"/> <input type="button" value="v"/>

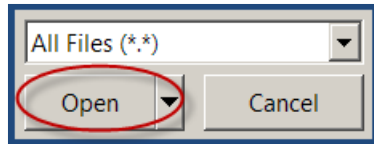
This screen allows you to upload your motion (the main document) and any attachments you may have to your motion. Remember, the motion and any attachments you are filing must be in PDF format and each PDF document cannot be larger than 12MB. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

Click on the **Browse** button next to the **Main Document** box and locate the saved motion document.

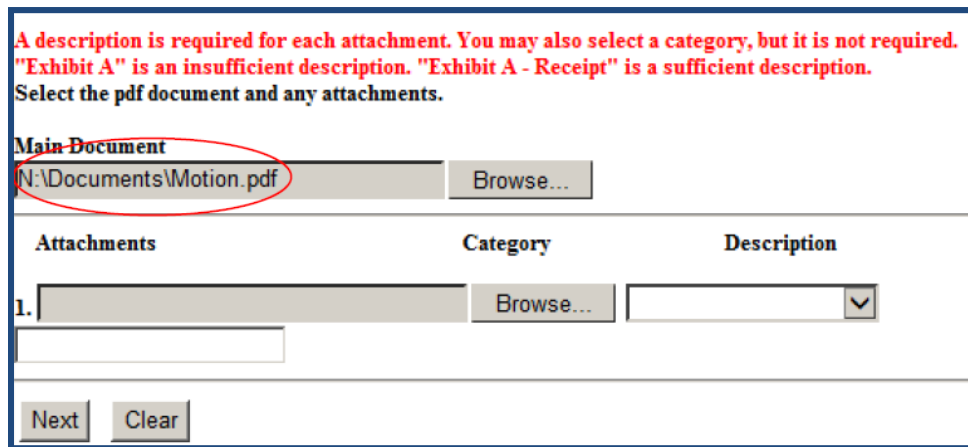
IMPORTANT When you have located the saved motion document, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it is the correct document and it is properly signed.



After you have confirmed the document is the correct document and it is properly signed, close the document and click on the **Open** button located in the lower right-hand portion of your screen.



You will be taken back to the **Attachment** screen. You will now see the **Main Document** box has been populated with the selected PDF document file.



A description is required for each attachment. You may also select a category, but it is not required. "Exhibit A" is an insufficient description. "Exhibit A - Receipt" is a sufficient description. Select the pdf document and any attachments.

Main Document
N:\Documents\Motion.pdf Browse...

Attachments	Category	Description
1. <input type="text"/>	<input type="text"/>	<input type="text"/>

Next Clear

If you have attachments to your motion (e.g., a proposed order or exhibits), they must each be separately scanned to PDF format and separately attached.

To add an attachment to your motion, click on the **Browse** button next to the first **Attachments** box and locate the saved attachment.

IMPORTANT When you have located the saved attachment, RIGHT click on the PDF document file and open it using Adobe Acrobat to confirm it is the correct document

After you have confirmed it is the correct document, close the document and click on the **Open** button located in the lower right-hand portion of the next screen.

You will be taken back to the **Attachment** screen where you will see the first **Attachments** box has been populated with the selected PDF document file.

Main Document			
P:\ECF Training\PDF Training Documents		Browse...	
Attachments	Category	Description	
1. P:\ECF Training\PDF Training Documents	Browse...	Proposed Order	Remove
2. P:\ECF Training\PDF Training Documents	Browse...		Exhibit 1 - Photo Remove
3. P:\ECF Training\PDF Training Documents	Browse...		Exhibit 2 - Letter Remove
4.	Browse...		
Next Clear			

All attachments must be properly described. Unless you are attaching a proposed order, you can skip the **Category** box and type a brief description of the attachment in the **Description** box. A combination of whatever is in the Category and Description boxes will appear in the docket text on the public docket sheet. “Exhibit A – Photo,” Exhibit A – Photo of House,” “Exhibit 2 – Letter,” and “Exhibit 2 – Letter signed by Shane Brown” are examples of properly described attachments. “Exhibit,” “Exhibit A,” and “Exhibit 2” are examples of insufficiently described exhibits.

If you are attaching a proposed order, click on the drop-down arrow for the **Category** box and select **Text of Proposed Order** from the list. It is not necessary to include a description in the **Description** box for this type of attachment.

After you have finished attaching and describing the *first* attachment, you can continue attaching as many additional attachments as you want—up to the 40MB limit. For more information about CM/ECF size limitations, see the [SIZE OF PDF DOCUMENTS](#) section of this user manual.

When you are finished attaching your motion (the main document) and any attachments you may have to your motion, click on **Next**.

- The following screen is the **Docket Text Modification** screen.

Docket Text: Modify as Appropriate.	
<div> <input type="text"/> </div> <div> <input type="text"/> </div>	<div> <input type="text"/> </div> <div> <input type="text"/> </div>
by Forrest O'Connor. (Attachments: # (1) Text of Proposed Order, # (2) Exhibit 1 - Photo, # (3) Exhibit 2 - Letter signed by Shane Brown) (Tapken, Michelle)	

Depending on the motion event you initially selected, you will have a limited ability to modify the docket text which will appear on the docket sheet after your motion is filed.

If available, you can click on the drop-down arrow and select an appropriate modifier from the list of modifiers to describe your motion.

Docket Text: Modify as Appropriate.

Second MOTION to Compel Proposed Order, # (2) Exhibit 1 - Photo, # (3) Exhibit 2 - Letter signed by Shane Brown (Tapken, Michelle)

Next Clear

First
Second
Third
Fourth
Fifth
Sixth
Seventh
Eighth
Ninth
Tenth
Amended
Consent
Counter
Cross
Emergency
Endorsed
Final
Interim
Joint
Modified
Monthly
Proposed
Quarterly
Supplemental
Third Party
Unopposed

You can also type descriptive text in any available text box. Whatever you type in a text box will appear in *italics* in the final docket text on the public docket sheet.

Docket Text: Modify as Appropriate.

Second MOTION to Compel Discovery by Forrest O'Connor. (Attachments: # (1) Text of Proposed Order, # (2) Exhibit 1 - Photo, # (3) Exhibit 2 - Letter signed by Shane Brown (Tapken, Michelle))

Although a text box may not be located precisely where you would like it to be, feel free to use it wherever it is. If necessary, Clerk's Office personnel can manipulate the docket text after your document is filed.

When you are finished modifying the docket text, click on **Next**.

8. Following is the **Final Docket Text** screen.

Docket Text: Final Text

Second MOTION to Compel *Discovery* by Forrest O'Connor. (Attachments: # (1) Text of Proposed Order, # (2) Exhibit 1 - Photo, # (3) Exhibit 2 - Letter signed by Shane Brown)(Tapken, Michelle)

Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.

Source Document Path (for confirmation only):

\\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Motion.pdf pages: 2
 \\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Order.pdf pages: 1
 \\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Exhibit 1.pdf pages: 1
 \\sd.circ8.dcn\FolderRedirection\$\sthielen\Documents\Exhibit 2.pdf pages: 16

Next Clear

This screen shows you exactly how the docket entry for your motion will appear on the public docket sheet. As much as possible, the title of your motion should match the final docket text on this screen.

IMPORTANT Do NOT click on the **Next** button on this screen until you are satisfied everything is correct.

If you see an error on this screen, click on your web browser's back arrow (you may have to click twice) and go back and correct the error. Otherwise, you can start the filing process over from the beginning by clicking on **Criminal** on the blue menu bar.

Clicking on the **Next** button commits your transaction. You will not have another opportunity to modify this transaction if you continue. When you are sure everything is correct, click on **Next**.

Congratulations! Your criminal motion is now filed. The main document (and any attachments) has been transmitted to the CM/ECF system.

The CM/ECF system will immediately send an NEF receipt back to your computer screen confirming the document was received. For more information about NEF receipts, see the [NEF RECEIPT](#) section of this user manual.

Unless you are e-filing a sealed motion for departure or a sealed motion for variance, the CM/ECF system will automatically send an NEF e-mail to each of the appropriate case participants. If you are filing a sealed motion for departure or a sealed motion for variance, the CM/ECF system will not send an NEF e-mail to you or any other case participants. You must print a copy of the NEF receipt screen and include it when you manually serve copies of the

motion for departure/variance on the appropriate case participants. For more information, see the [SEALED DOCKET ENTRIES](#) and the [E-FILING OTHER DOCUMENTS](#) sections of this user manual. For more information about NEF e-mails, see the [NOTICE OF ELECTRONIC FILING \(NEF\) E-MAIL](#) section of this user manual.

NEF RECEIPT

As soon as the CM/ECF system receives an electronic submission from a filer, the system immediately transmits a Notice of Electronic Filing (NEF) receipt back to the filer's computer confirming the submission was received. The NEF receipt contains all of the same information as an NEF e-mail discussed in the [NOTICE OF ELECTRONIC FILING \(NEF\) E-MAIL](#) section of this user manual except that the NEF receipt never contains an active document number hyperlink, even when a document is e-filed in CM/ECF.

Most NEF receipts include the following information when a document is e-filed in CM/ECF:

- Date and time (CST) of filing
- Case Name
- Case Number
- Filer
- Document Number
- Docket Text
- A list of case participants who will receive electronic notice
- A list of case participants who must be manually served

Motions
[4:13-cr-40005-KES USA v. O'Connor et al](#) **CASE CLOSED**
on 04/14/2014

CLOSED

U.S. District Court
District of South Dakota

Notice of Electronic Filing
The following transaction was entered on 12/6/2015 at 11:01 AM CST and filed on 12/6/2015
Case Name: USA v. O'Connor et al
Case Number: [4:13-cr-40005-KES](#)
Filer: Dft No. 1 - Forrest O'Connor
Document Number: [60](#)

Docket Text:
[Second MOTION to Compel Discovery by Forrest O'Connor. \(Attachments: # \(1\) Text of Proposed Order, # \(2\) Exhibits 1 - Photo, # \(3\) Exhibit 2 - Deposition of Shane Brown\)\(Tapken, Michelle\)](#)

4:13-cr-40005-KES-1 Notice has been electronically mailed to:

Jack Der Hagopian jack@derhagopianlaw.com, derhagop@sio.midco.net, michelle@derhagopianlaw.com

Jason J. Tupman Jason_Tupman@fd.org, bonnie_woolam@fd.org, jann_brakke@fd.org, lynn_nicolai@fd.org, molly_quinn@fd.org

Thomas J. Wright Thomas.Wright2@usdoj.gov, Janice.Long@usdoj.gov, marlys.bigeagle@usdoj.gov, Patrice.Hink@usdoj.gov, sonia.larson@usdoj.gov, Terri.Mielenz@usdoj.gov

4:13-cr-40005-KES-1 This document must be sent in hard copy to:

Michelle G. Tapken
301 Brazos Street #1603
Austin, TX 78701-4017

As noted above, most NEF receipts include a list of case participants who will receive electronic notice in the form of an NEF e-mail when a document is e-filed and a list of case participants who will *not* receive electronic notice when a document is e-filed. However, when a document is e-filed which results in a sealed docket entry or when a civil case initiating document is e-filed in a divisional shell case, an NEF e-mail is not sent to any case participants and the NEF receipt does not list any case participants who will or will not receive electronic notice.

When a sealed document is e-filed in CM/ECF or a document is e-filed in CM/ECF which results in a sealed docket entry, the NEF receipt (which includes the document's number, but not an active document number hyperlink) *must* be printed and included with the document when it is manually served on those case participants entitled to receive service in accordance with the federal rules of procedure and the local rules of practice of this district court.

When civil case initiating documents are e-filed in a divisional shell case, the filer *should* print a copy of the NEF receipt as evidence of when the document was delivered to the Clerk's Office. A civil case initiating document is deemed delivered to the Clerk's Office at the date and time stated on the NEF receipt.

For more information, see the [NOTICE OF ELECTRONIC FILING \(NEF\) E-MAIL](#), [WHAT CONSTITUTES E-FILING/OFFICIAL RECORD](#), and [E-FILING CIVIL CASE INITIATING DOCUMENTS](#) sections of this user manual.

IMPORTANT Print a copy of the NEF receipt screen whenever you e-file a sealed document, a document which results in a sealed docket entry, or a civil case initiating document in a divisional shell case.

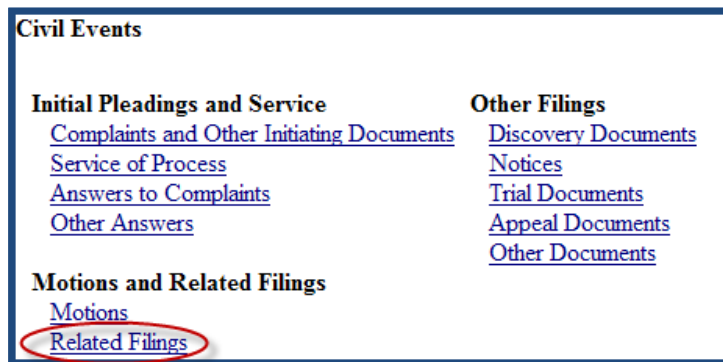
IMPORTANT Filers **MUST** include a copy of the NEF receipt screen whenever they manually serve a document.

E-FILING OTHER DOCUMENTS

Electronically filing most documents in CM/ECF is substantially similar to e-filing a civil complaint in a shell case and motions in CM/ECF. For instructions about e-filing these types of documents, see the [STEP-BY-STEP GUIDE FOR E-FILING A CIVIL COMPLAINT IN A SHELL CASE](#), [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CIVIL CASE](#), and [STEP-BY-STEP GUIDE FOR E-FILING A MOTION IN A CRIMINAL CASE](#) sections of this user manual.

All documents with a case caption on them, such as memoranda and affidavits, should be separately e-filed so they create separate docket entries on the docket sheet. This means memoranda, affidavits, etc., should not be attached to a motion.

The events used for e-filing documents related to a motion are usually found on the **Related Filings** menu. The **Related Filings** menu is located under **Motions and Related Filings** on the **Civil Events** menu.



It is also located under **Motions and Related Filings** on the **Criminal Events** menu.

Criminal Events	
Charging Instruments and Pleas	Other Filings
Plea-Related Documents	Service of Process
	Notices
Motions and Related Filings	Trial Documents
Motions	Appeal Documents
Related Filings	Other Documents
	Writ Events

The events on these **Related Filings** menus allow the filer to “link” the document they are filing to the motion to which it relates on a **Linkage** screen similar to the following:

Related Filings
[4:13-cv-04001-JLV Blackcloud v. Dooley et al](#) **CASE CLOSED on 11/17/2014**
 CLOSED,PROSE

Select the appropriate event(s) to which your event relates:

☐ 01/03/2013 [3](#) MOTION for Leave to Proceed in forma pauperis by Edward P. Blackcloud. (CMS) *(Terminated)*
☐ 01/03/2013 [7](#) MOTION to Appoint Counsel by Edward P. Blackcloud. (CMS) *(Terminated)*
☒ 12/06/2015 [12](#) Second MOTION to Compel *Discovery* by Amy Dean. (Attachments: # [1](#) Text of Proposed Order, # [2](#) Exhibit 1 - Photo, # [3](#) Exhibit 2 - Deposition of Shane Brown)(Tapken, Michelle)

When e-filing a document such as a memorandum or an affidavit which is related to a previously filed document in CM/ECF, it is important for the filer to create a link between the two documents. Prior to ruling on a motion, the court frequently runs a **Pending Motions Report** in CM/ECF. This report includes all of the documents filed in CM/ECF which are linked to a particular pending motion. Linking related documents to a pending motion ensures the court considers all related documents prior to ruling on the pending motion. Such linking, however, does *not* pertain to documents filed by different co-defendants in a multi-defendant criminal case. For example, a motion for joinder e-filed by one defendant in a criminal case should not be linked to a motion filed by another defendant in the same case.

Pursuant to D.S.D. Crim. LR 32.1(A), a motion for departure or variance may be joined with a party’s sentencing memorandum. When a sentencing memorandum contains a motion for departure or a motion for variance it should *not* be e-filed using the **Sealed Sentencing Memorandum – SEALED DOCKET ENTRY** event. Instead, when a sentencing

memorandum contains a motion for departure it should be e-filed using the **Sealed Motion for Departure – SEALED DOCKET ENTRY** event so it appears on the **Pending Motions Report** in CM/ECF. Similarly, when a sentencing memorandum contains a motion for variance it should be e-filed using the **Sealed Motion for Variance – SEALED DOCKET ENTRY** event so it also appears on the **Pending Motions Report** in CM/ECF. For more information about these specific events, see the [SEALED DOCKET ENTRIES](#) section of this user manual.

Memoranda related to a motion are normally filed in the following sequence:

1. Motion
2. Memorandum in Support of Motion
3. Memorandum in Opposition to Motion OR Response to Motion
4. Reply to Motion Response

When a filer who has e-filed a motion also files a reply to the motion, the reply should be linked to the original motion and *not* to a response to the original motion. Again, this is so the reply appears on the court's **Pending Motions Report** in CM/ECF.

Discovery materials, including depositions, interrogatories, requests for documents, requests for admissions, and the answers and responses thereto should not be e-filed in CM/ECF.

Depositions used for the purpose of contradicting or impeaching the testimony of a deponent or witness also should not be filed in CM/ECF. Furthermore, [Fed. R. Civ. P. 26\(a\)\(1\) and \(2\)](#) materials should not be e-filed in CM/ECF unless they are ordered to be filed in CM/ECF by the court. If discovery materials are necessary for the disposition of a motion, only the relevant portions should be attached to a supporting memorandum or affidavit.

IMPORTANT Contact the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual BEFORE e-filing a document in CM/ECF if you are unsure about which event to use.

DOCUMENTS E-FILED IN ERROR

Documents can be electronically filed in error for any number of reasons. Some of the most common reasons include selecting the wrong event, filing in the wrong case, or attaching the wrong PDF document. Filers are advised to take care when e-filing a document in CM/ECF since filers cannot make changes to a document after it is e-filed in CM/ECF. In addition, the Clerk's Office cannot seal a document filed in error without an order from the court, unless the document contains personal data identifiers. When a filer either realizes or is told by someone in the Clerk's Office that he or she has filed a document the filer may need to file a notice of filing error. When someone e-files a notice of filing error, a document is not actually filed in CM/ECF.

Instead, a notation in the form or a docket entry is added to the docket sheet indicating a particular previously filed document was filed in error and should be disregarded.

The **Notice of Filing Error** event is located on the **Notices** menu under **Other Filings** on the **Civil Events** menu.

Notices

Available Events (click to select an event)

- Notice
- Notice of Appearance
- Notice of Change of Address
- Notice of Completion of Redaction Review
- Notice of Filing Error**
- Notice of Lis Pendens
- Notice of Voluntary Dismissal
- Notice of Withdrawal and Substitution of Attorney
- Notice of Withdrawal of Attorney

Selected Event

Notice of Filing Error

Next Clear

It is also located on the **Notices** menu under **Other Filings** on the **Criminal Events** menu.

Notices

Available Events (click to select an event)

- Deferral of Prosecution
- Joint Notice of Speedy Trial Calculation
- Notice
- Notice of Attorney Appearance - Defendant
- Notice of Attorney Appearance - USA
- Notice of Completion of Redaction Review
- Notice of Filing Error**
- Notice of Intent to Seek Death Penalty
- Notice of No Objections to Presentence Report

Selected Event

Notice of Filing Error

Next Clear

When a notice of filing error is e-filed in CM/ECF it is not normally restricted, however, if the docket entry for the document which was filed in error is sealed or restricted, the docket entry for the notice of filing error should also be sealed or restricted. For example, when certain documents that may discuss a defendant's cooperation with the government are filed in a criminal case, the docket entry for such document is sealed. In this situation, the docket entry for a related notice of filing error should also be sealed. Similarly, a notice of filing error related to an ex parte document should also be ex parte.

If a filer is e-filing a notice of filing error in a *civil* case, the filer will be asked the following question:

Should this Notice be Ex Parte because it relates to an Ex Parte document?

If you have any questions, please contact the Clerks Office before filing.

☐ No
☐ Yes

If the filer responds negatively to this question, the notice of filing error will *not* be restricted and all of the case participants will receive an NEF e-mail when it is e-filed and the notice of filing error will be visible on the public docket sheet.

If the filer responds affirmatively to this question, the filer will have an opportunity to select only those parties whose attorneys should receive electronic notice when the notice of filing error is e-filed on the following screen.

Notices
[4:13-cr-40005-KES USA v. O'Connor et al](#) **CASE CLOSED**
on 04/14/2014
CLOSED

[Collapse All](#)
[Expand All](#)

- ☒ USA pla
- ☒ Forrest O'Connor (T) dft
- ☒ Angelias Zephier (T) dft

CAREFULLY select ONLY the parties who should receive this Notice!

Select the Party:

USA [pla]
 O'Connor, Forrest (T) [dft]
 Zephier, Angelias (T) [dft]

As directed, the filer should *carefully* select *only* those parties who should receive an NEF e-mail when the notice of filing error is e-filed and be able to see the docket entry on the public docket sheet.

If the filer is e-filing a notice of filing error in a *criminal* case, the filer will be asked following question:

Should this Notice be Sealed or Ex Parte because it relates to a sealed Docket Entry or an Ex Parte document?

If this Notice is related to a Sealed Document (but not a Sealed Docket Entry), it should NOT be Sealed.

If you have any questions, please contact the Clerks Office before filing.

☐ No
☐ Yes

If the filer responds negatively to this question, the notice of filing error will *not* be restricted and all of the case participants will receive an NEF e-mail when it is e-filed and the notice of filing error will be visible on the public docket sheet.

If the filer responds affirmatively to this question, the filer will be asked the following additional question:

Should this Notice be Sealed or Ex Parte?

☐ It should be Sealed. This means case participants will NOT receive electronic notice and the Notice will NOT be visible on the public Docket Sheet.

☐ It should be Ex Parte. This means only selected case participants will receive electronic notice and be able to see the Notice on the public Docket Sheet.

If the filer responds by selecting the first option, “It should be Sealed. . . ,” none of the case participants will receive electronic notice when the notice of filing error is e-filed and it will not be visible on the public docket sheet. In this situation, the filer *must* print a copy of the NEF receipt screen and serve it on the appropriate case participants.

If the filer responds by selecting the second option, “It should be Ex Parte. . . ,” the filer will have an opportunity to select only those parties whose attorneys should receive electronic notice when the notice of filing error is e-filed on the following screen. As directed, the filer should *carefully* select *only* those parties who should receive an NEF e-mail when the notice of filing error is e-filed and be able to see it the docket entry on the public docket sheet.

Notices

[4:13-cr-40005-KES USA v. O'Connor et al](#) **CASE CLOSED**
on 04/14/2014

CLOSED

[Collapse All](#) [Expand All](#)

- USA pla
- Forrest O'Connor (T) dft
- Angelias Zephier (T) dft

CAREFULLY select ONLY the parties who should receive this Notice!

Select the Party:

USA [pla]
O'Connor, Forrest (T) [dft]
Zephier, Angelias (T) [dft]

For more information about sealed and restricted docket entries, see the [SEALED DOCKET ENTRIES](#) and [RESTRICTED DOCKET ENTRIES](#) sections of this user manual.

If appropriate, re-file the incorrectly filed document after the notice of filing error is e-filed.

IMPORTANT Filing a notice of filing error does NOT seal the original document which was filed in error. Immediately call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual if the original document should be sealed because it contains personal data identifiers. If the original document should be sealed for any other reason, the filer MUST file a motion to seal. For information about filing a motion to seal, see the [Motions to Seal and their Attachments](#) section of this user manual.

IMPORTANT To avoid selecting the wrong event and having to file a notice of filing error, contact the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual BEFORE e-filing a document in CM/ECF if you are unsure which event to use.

3. OTHER CM/ECF MENU OPTIONS

In addition to the **Civil** and the **Criminal** options on the blue menu bar in CM/ECF, there are other menu options available in CM/ECF. The following sections describe these other menu options.

QUERY MENU



Clicking on **Query** on the blue menu bar in CM/ECF takes you to the following **PACER Login** screen where you are required to log in using a case sensitive PACER login and password obtained from the PACER Service Center to access documents and other public information stored in CM/ECF.

PACER access fees may apply when you are logged into PACER. To track PACER access fees incurred on behalf of a particular client, you may want to enter a code in the **Client code** box when logging into PACER on this screen. For more information about PACER, see the [PACER](#) section of this user manual.

When you are logged into PACER, you will see the following **Search Clues** screen:

Query

WARNING: Search results from this screen are NOT subject to the 30 page limit on PACER charges. Please be as specific as possible with your search criteria.

Search Clues [Mobile Query](#)

Case Number

or search by

Case Status: ☐ Open ☐ Closed ☐ All

Filed Date to

Last Entry Date to

Nature of Suit

- 110 (Contract: Insurance)
- 120 (Contract: Marine)
- 130 (Contract: Miller Act)

Cause of Action

- 02:0431 (02:431 Fed. Election Commission: Failure Enforce C)
- 02:0437 (02:437 Federal Election Commission)
- 05:0075 (05:75(2) Contract - Reduction in Grade)

Last/Business Name ☐ Exact matches only

First Name Middle Name

Type

Following is an explanation of each of the available search options on the **Search Clues** screen.

- **Case Number:** The number of the last case you queried in the pending CM/ECF session will automatically appear in this field. If you haven't previously queried a case or you want to query a different case, type the new case number in this field using the YY-##### format, where YY equals the last two digits of the year in which the case was opened and ##### equals the case number. There are four digits in civil case numbers and five digits in criminal case numbers. When you click on **Find This Case**, CM/ECF will check to see if such a case exists. If multiple cases exist with the same case number, they will all be displayed. Select a specific case by clicking its associated checkbox. If you click on **Hide Case List**, the list will be hidden but will be displayed again if you click on **Show Case List**.
- **Case Status:** To find a case based on its status, click the associated status button.
- **Filed Date:** To find a case based on when it was filed, enter beginning and ending dates in these fields.
- **Last Entry Date:** To find a case based on the most recent docket entry, enter beginning and ending dates in these fields.
- **Nature of Suit:** To find a case based on a nature of suit code in a civil case, select a value from the list. To select multiple values, hold down the **Ctrl** key on your computer keyboard and locate the additional values using the scroll bar.

- **Cause of Action:** To find a case based on a cause of action code in a civil case, select a value from the list. To select multiple values, hold down the **Ctrl** key on your computer keyboard and locate the additional values using the scroll bar
- **Last/Business Name:** To find a party (including a business) or an attorney, enter a search string beginning with the first two letters of the party's or the attorney's last name. You can use an asterisk as a substitute for an unknown letter or letters. For example, Jo*s will return Johnson, Jones, and Joseph. This field is not case sensitive; you can enter either lowercase or uppercase letters.
- **First Name/Middle Name:** These fields only work in conjunction with the Last/Business Name field.
- **Exact Matches Only:** When this box is checked, the query will only return exact matches to the search string entered in the Last/Business Name field.
- **Type:** You can select either Attorney or Party from the drop-down list. Otherwise, if you leave this field blank, the query results will include both attorneys and parties.

When you are finished entering your search criteria, click on **Run Query** at the bottom of the screen.

WARNING! Search results are NOT subject to the 30 page billing cap for PACER access fees. You should be as specific as possible with your search criteria.

What displays on the following screen depends on the type of search criteria you entered on the **Search Clues** screen. For example, if you entered a case number and the system contains more than one case with that case number, you will be required to select a specific case from a list of possible cases on the next screen. When you have finally narrowed your search to one particular case, you will see the following **Query** screen:



Following is an explanation of each of the options available on the **Query** screen.

WARNING! If you continue, you may incur PACER access fees.

- **Mobile Query:** Links to an interface which provides limited CM/ECF information on a mobile device. For more information about Mobile Query see the [CM/ECF Version 6.1 User Guide for Attorneys](#) document posted on the district court's website.
- **Alias:** Displays aliases for parties who have aliases.
- **Associated Cases:** Displays a list of associated cases. Click on a case number hyperlink to look at the public docket sheet for an associated case.
- **Attorney:** Displays a list of all active and terminated attorneys in the case.
- **Case File Location:** Not used.
- **Case Summary:** Displays summary information for the case.
- **Deadlines/Hearings:** Displays a list of all deadlines and hearings scheduled in the case, sorted according to your specifications. You can select pending deadlines/hearings and/or terminated/satisfied deadlines/hearings. Clicking on a silver ball icon shows you the docket entry when a particular deadline or hearing was set. Clicking on the document number hyperlink associated with the docket entry allows you to look at the document in which the deadline or hearing was set.
- **Docket Report:** Displays the formatted docket sheet with hyperlinks to individual documents. You may have options to look at or download selected documents. See the

[Docket Sheet](#) section of this user manual for more information about selecting criteria for running a docket report/sheet.

- **Filers:** Displays a list of all filers associated with the case. Clicking on a particular filer's name, displays a list of documents filed by that filer. Clicking on a document number hyperlink allows you to look at the related document. Clicking on a silver ball icon shows you docket information and related docket entries.
- **History/Documents:** Displays a list of all events docketed in the case sorted according to your specifications. You can select All events (history) or Only events with documents. Clicking on a document number hyperlink allows you to look at the related document. Clicking on a silver ball icon shows you the full docket text associated with a docket entry.
- **Party:** Displays a list of active and terminated parties and their attorneys.
- **Related Transactions:** Displays a list of all events docketed in the case sorted according to your specifications. Docket entries which are "linked" to one another are grouped together. Clicking on a document number hyperlink allows you to look at the related document. Clicking on a silver ball icon shows you the full docket text associated with a docket entry and all of its related docket entries.
- **View a Document:** Allows you to look at a document by entering its document number. Also allows you to look at a specific page in the document by entering its unique PageID #.

REPORTS MENU



Clicking on **Reports** on the blue menu bar in CM/ECF takes you to the following **PACER Login** screen where you are required to log in using a case sensitive PACER login and password obtained from the PACER Service Center to access case documents and other public information stored in CM/ECF.

PACER Login

Instructions
 Enter your PACER login and password. If you do not have a PACER login, you may register online at <http://www.pacer.gov>. If you have a CM/ECF filer login and password, and would like to automatically log in to PACER each time you log in as a filer, check the box below.

☐ Make this my default PACER login
 After checking this box, you will only need to use your **CM/ECF** login and password, either for electronic filing or for viewing documents via PACER.

Authentication

Login:

Password:

Client code:

Notice
 An access fee of \$0.10 per page or \$2.40 per document with an audio attachment, as approved by the Judicial Conference of the United States, will be assessed for access to this service. For more information about CM/ECF, [click here](#) or contact the PACER Service Center at (800) 676-6856.

CM/ECF has been tested with Firefox and Internet Explorer 8 and 9.

PACER access fees apply when you are logged into PACER. To track PACER access fees incurred in behalf of a particular client, you may want to enter a code in the **Client code** box when logging into PACER on this screen. For more information about PACER, see the [PACER](#) section of this user manual.

When you are logged into PACER, you will see the following **Reports** screen:

Reports

<p>Docket Reports</p> <p>Docket Sheet</p>	<p>Civil and Criminal Reports</p> <p>Calendar Events</p> <p>Docket Activity</p> <p>Written Opinions</p>	<p>Miscellaneous Reports</p> <p>Internet Payment History</p>
<p>Civil Reports</p> <p>Civil Cases</p>		
<p>Criminal Reports</p> <p>Criminal Cases</p>		

The following sections describe the various reports available on the **Reports** screen.

WARNING! Reports are NOT subject to the 30 page billing cap for PACER access fees. You should be as specific as possible with your search criteria.

Docket Sheet

Clicking on **Docket Sheet** takes you to the following screen.

Docket Sheet

Case number

☒ **Filed** to

☐ **Entered** to

Documents to

Go to Document **or PageID**

Include:

- ☒ Parties and counsel
- ☒ Terminated parties
- ☐ List of member cases
- ☐ Links to Notices of Electronic Filing

Document options:

- ☒ Include headers when displaying PDF documents
- ☐ View multiple documents

Format:

- ☒ HTML (unpaginated)
- ☐ PDF (paginated)

Sort by

☐ Make these options my default.

Following is an explanation of each of the options available on the **Docket Sheet** screen:

- **Case Number:** The number of the last case you queried in the pending CM/ECF session may automatically appear in this field. If you haven't previously queried a case or you want to see a docket sheet in a different case, type the new case number in this field using the YY-##### format, where YY equals the last two digits of the year in which the case was opened and ##### equals the case number. There are four digits in civil case numbers and five digits in criminal case numbers. When you click on **Find This Case**, CM/ECF will check to see if such a case exists. If multiple cases exist with same case number, they will all be displayed. Select a specific case by clicking its associated checkbox. If you click on **Hide Case List**, the list will be hidden but will be displayed again if you click on **Show Case List**.
- **Filed/Entered:** To request entries by date, enter beginning and ending dates in these fields.
- **Documents:** To request entries by docket number, enter beginning and ending docket numbers in these fields.
- **Go to Document or Page ID:** Allows you to request a document filed in CM/ECF by entering the document number. Also allows you to request a specific page in the document by entering its unique PageID #.
- **Parties and counsel:** Click this checkbox to include all parties and their attorneys.

- **Terminated parties:** Click this checkbox to include all terminated parties.
- **List of member cases:** Click this checkbox to include a list of all cases which have been joined or associated with the case such as consolidated cases.
- **Links to Notices of Electronic Filing:** Click this checkbox to be able to look at Notices of Electronic Filing (NEFs). Click on the silver ball icon next to a particular docket entry on the docket sheet to look at the associated NEF receipt.
- **Include headers when displaying PDF documents:** Click this checkbox if you want headers to display on each page of a document you look at. Each header includes the case number, document number, date filed, total number of pages filed, unique PageID # and looks similar to the following:

Case 3:14-cv-03001-CBK Document 14 Filed 09/23/14 Page 1 of 1 PageID #: 85

- **View multiple documents:** Click this checkbox if you want to look at multiple documents on the docket sheet as one document. You will be able to choose either **View Selected** or **Download Selected** documents.
- **Format:** Allows you to choose either an unpaginated (HTML) or paginated (PDF) docket sheet. If you previously selected **View multiple documents**, this option disappears and an HTML (unpaginated) docket sheet will be produced.
- **Sort by:** Allows you to sort the docket entries on the docket sheet by Oldest date first, Most recent date first, or Document number.
- **Make these options my default:** After selecting all of your options, you can click this checkbox so you won't have to reselect the same options the next time you look at a docket sheet. In addition to selecting your options and clicking this box, you *must* click on **Run Report** to save your default selections.

WARNING! When you click on **Run Report** at the bottom of the screen, the public docket sheet will be displayed and you are automatically charged applicable PACER access fees to look at the docket sheet.

Use the arrow keys on your computer keyboard or the scroll bar to scroll through the docket sheet. It is recommended that you either print or save the docket sheet at this time.

If you want to look at an actual document listed on the docket sheet, click on the active document number hyperlink associated with the document. You will be charged applicable PACER access fees to access the document. It is recommended that you either print or save the document at this time.

You can run a combined docket sheet for a subset of criminal defendants in a multi-defendant criminal case. A new **View Combined Docket Report** checkbox will be displayed when a case number for a multi-defendant criminal case is entered and two or more of the criminal defendant's subcases are selected. Clicking the **View Combined Docket Report** checkbox allows the user to run a combined docket sheet for the selected defendants. It is recommended that you either print or save the docket sheet at this time.

Docket Sheet

Case number

Select a case:

- ☐ 3:01-cr-30057-CBK USA v. Little Thunder, et al (closed 01/11/2002)
- ☐ 3:01-cr-30057-CBK-1 Torrence S. Little Thunder (closed 11/19/2001)
- ☐ 3:01-cr-30057-CBK-2 Grover Albert Siers, III (closed 11/28/2001)
- ☒ 3:01-cr-30057-CBK-3 Tyler James Elackson (closed 01/11/2002)
- ☒ 3:01-cr-30057-CBK-4 Jesse James Swalley (closed 08/08/2001)

☒ View Combined Docket Report

Civil Cases

Enter your search criteria on the following **Civil Cases Report** screen and click on **Run Report** at the bottom of the screen.

Civil Cases Report

Warning: This report is not subject to the 30 page billing cap.
You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

Office
Central Division
Northern Division

Case type
Civil
Miscellaneous

Nature of suit
110 (Contract: Insurance)
120 (Contract: Marine)

Cause
02:0431 (02:431 Fed. Election...)
02:0437 (02:437 Federal Elect...)

Jurisdiction
Diversity
Federal Question

Case flags
APPEAL
APPEAL-MAG

Terminal digit(s)

☒ Open cases
☐ Closed cases

JPML number

Filed to

Sort by

Output Format ☒ Formatted Display
☐ Data Only

☐ Make these options my default.

The **Civil Cases Report** displays summary data for selected civil and/or miscellaneous cases opened in CM/ECF, plus links to view more detailed information about each case.

WARNING! Search results are NOT subject to the 30 page billing cap for PACER access fees. If you want to run a report for a single case, you should use the **Query** menu or the **Docket Sheet** report instead.

Criminal Cases

Enter your search criteria on the following **Criminal Cases Report** screen and click on **Run Report** at the bottom of the screen.

Criminal Cases Report

Warning: This report is not subject to the 30 page billing cap.
You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

Office:

Case types:

Case flags:

Citation:

Count Status: ☒ Pending ☐ Disposed

Include CVB Cases: ☐ Yes ☒ No

Filed: to

Terminal digit(s): 2, 4-7 ☒ Pending defendants
☐ Terminated defendants

Sort by:

Output Format: ☒ Formatted Display
☐ Data Only

☐ Make these options my default.

The **Criminal Cases Report** displays summary data for selected criminal and/or magistrate cases opened in CM/ECF, plus links to view more detailed information about each case.

WARNING! Search results are NOT subject to the 30 page billing cap for PACER access fees. If you want to run a report for a single case, you should use the **Query** menu or the **Docket Sheet** report instead.

Calendar Events

Enter your search criteria on the following **Calendar Events Report** screen and click on **Run Report** at the bottom of the screen.

Calendar Events Report

Case number

Office **Northern Division (1)**
 Central Division (3)
 Southern Division (4)

Nature of suit **110 (Contract: Insurance)**
 120 (Contract: Marine)

Calendar events **All Hearings**
 Arraignment
 Bail Review Hearing

Set to

☐ Both ☐ AM ☐ PM

Time ☐ AM ☐ PM

☒ Include docket text ☒ Include closed cases
☒ Display terminated parties

Sort by **Time**

Information appearing on this report includes the date and time of the calendar event, an active case number hyperlink, attorneys and their client's role in the case, the docket text for the docket entry setting the calendar event, and a silver ball icon which reveals a **Related Proceedings Report** when clicked. There are no fees associated with running this report.

Docket Activity

Enter your search criteria on the following **Docket Activity Report PUBLIC ACCESS** screen and click on **Run Report** at the bottom of the screen.

Warning: This report is not subject to the 30 page billing cap.
 You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

Docket Activity Report PUBLIC ACCESS

Case number

Office **Central Division**
 Northern Division

Case type **Civil**
 Criminal

Event category **Type**
 adr
 adr1

Case flags **APPEAL**
 APPEAL-MAG

☒ Only cases to which I am linked ☐ Open cases
☐ Closed cases

Filed between and ☒ Summary text
☐ Full docket text

Sort by **Case Number**

☐ Make these options my default.

The **Docket Activity Report** allows users to obtain a list of all filings for a specific time period. The **Only cases to which I am linked** checkbox is selected by default, allowing users to limit the report. Your search results can be restricted to open and/or closed cases and/or only cases in which you are a participant.

WARNING! Search results are NOT subject to the 30 page billing cap for PACER access fees. If you want to run a report for a single case, you should use the **Query** menu or the **Docket Sheet** report instead.

Written Opinions

Pursuant to the E-Government Act of 2002, as amended, this court provides public access to all written opinions issued by this court since April 16, 2005. Enter your search criteria on the following **Written Opinions Report** screen and click on **Run Report** at the bottom of the screen.

The screenshot shows the 'Written Opinions Report' form with the following fields and options:

- Case Number**: Text input field.
- Last Name**: Text input field.
- First Name**: Text input field.
- Middle Name**: Text input field.
- Office**: Dropdown menu with options: Northern Division, Central Division.
- Case Type**: Dropdown menu with options: Civil, Criminal.
- Case Flags**: Dropdown menu with options: APPEAL, APPEAL-MAG.
- Nature of Suit**: Dropdown menu with options: 110 (Contract: Insurance), 120 (Contract: Marine).
- Cause**: Dropdown menu with options: 02:0431 (02:431 Fed. Election...), 02:0437 (02:437 Federal Elect...).
- Filed between**: Date range input with '11/6/2015' and '12/7/2015' entered.
- Summary text**: Radio button (unselected).
- Full docket text**: Radio button (selected).
- Sort by**: Dropdown menu with 'Case Number' selected.
- Run Report**: Button.
- Clear**: Button.

The **Written Opinions Report** can be run for any time period, but defaults to the last 30 days. This report includes all written opinions which were filed during the specified period of time. The Judicial Conference defines a written opinion as “any document issued by a judge or judges of the court, sitting in that capacity, that sets forth a reasoned explanation for a court’s decision.”

IMPORTANT There are no fees associated with running this report or accessing the opinions listed on this report. However, PACER access fees will apply when viewing the docket sheet associated with an opinion listed on this report.

Internet Payment History

Enter a date range on the **Internet Payment History** screen and click on **Run Report** at the bottom of the screen to display a list of credit card payments you have made using Pay.gov while electronically filing documents in CM/ECF during the specified period of time.

The screenshot shows the 'Internet Payment History' form with the following fields and options:

- From**: Date input field with '11/6/2015' entered.
- to**: Date input field with '12/6/2015' entered.
- Run Report**: Button.
- Clear**: Button.
- Make these options my default**: Checkbox (unchecked).

There are no fees associated with running this report. For more information about Pay.gov, see the [PAY.GOV](#) section of this user manual.

UTILITIES MENU



Clicking on **Utilities** on the blue menu bar in CM/ECF takes you to the following **Utilities** screen.



The following sections describe the most useful utility options available on this screen:

Maintain Your Account

A registered attorney can use this utility to change the case sensitive password on his or her CM/ECF user account and/or update the phone number, fax number, and the e-mail addresses associated with the account. An approved non-prisoner pro se party should submit a completed [CM/ECF Information Update Form](#) to the Clerk's Office to change the password on his or her CM/ECF user account and to update the phone number, fax number, and/or e-mail addresses associated with the account. Both registered attorneys and approved non-prisoner pro se parties should submit a completed [CM/ECF Information Update Form](#) to the Clerk's Office to update the mailing addresses on their accounts.

- A registered attorney can update the e-mail addresses on his or her CM/ECF user account by clicking on **Email information** at the bottom of the **Maintain User Account** screen. For more information about updating e-mail addresses, see the [Maintain Your E-mail](#) section of this user manual.
- A registered attorney can change the password on his or her CM/ECF user account by clicking on **More user information** at the bottom of the **Maintain user Account** screen. For more information about changing a password, see the [Maintain Your Password](#) section of this user manual.

Maintain Your E-mail

IMPORTANT Registered attorneys are required to keep the primary and secondary e-mail addresses on their CM/ECF user accounts up-to-date.

A registered attorney can use this utility to change the case sensitive primary and/or secondary e-mail addresses on his or her CM/ECF user account. A non-prisoner pro se party should submit a completed [CM/ECF Information Update Form](#) to the Clerk's Office to change the primary and/or secondary e-mail addresses on his or her CM/ECF user account.

The **Email Information** screen is divided into two panes. The left-hand pane includes hyperlinks for the primary and secondary e-mail addresses on the registered attorney's account. Registered attorneys are each required to have a primary e-mail address on their CM/ECF user accounts for receiving electronic notice when something is filed in one of their cases. Secondary e-mail addresses are optional, but highly recommended.

Click on an e-mail address to modify its configuration options or to delete it. Otherwise, click on the active [add new e-mail address](#) hyperlink in the left-hand pane to add a secondary e-mail address to the registered attorney's CM/ECF user account. A box will open in the right-hand pane. Configuration options will populate as soon as a valid e-mail address is entered in the box. These configuration options include the following:

- **Should this e-mail address receive notices?** This option defaults to **Yes** and should be left that way.
- **How should notices be sent to this e-mail address?** This option defaults to **Per Filing**. This means the e-mail recipient will automatically receive a *separate* NEF e-mail each time a qualified document is filed in one of the registered attorney's cases. If the recipient would rather receive a *daily* summary report via e-mail which includes a list of everything that was filed in the registered attorney's cases during the *previous* day, click on **Summary Report**. If you select summary report, you will be asked, **Should this e-mail address receive a "no activity" notice when no summary noticing occurs?** If you answer "Yes," the daily summary report will include a message which says, "no transactions found for this time period" when nothing was filed in any of the registered attorney's cases during the previous day.

Primary and secondary e-mail addresses are case sensitive (uppercase and lowercase letters have different meaning) with respect to daily summary reports. A particular primary or secondary e-mail address which is set up to receive a summary report on more than one registered attorney's account will receive a combined summary report if the e-mail address is entered in the same case on each of the registered attorneys' accounts. If the e-mail address is *not* entered in the same case on each of the registered attorneys' accounts, separate summary reports will be generated for each e-mail address which is set up to receive a summary report. This means if a secondary e-mail address is entered as

jane.doe@usdoj.gov on one registered attorney's account and as Jane.Doe@usdoj.gov on another registered attorney's account and they are both set up to receive summary reports, the system will generate two separate summary reports instead of one combined summary report.

IMPORTANT When the method of receiving electronic notice for a secondary e-mail address differs from the method of receiving electronic notice for the primary e-mail address on an registered attorney's account (*i.e.*, the primary e-mail address receives a daily summary report and a secondary e-mail address receives notices on a per filing basis, or vice versa), there can be problems. Please contact the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual if you have any problems.

- **In what format should notices be sent to this e-mail address?** This option defaults to "HTML." If the e-mail recipient would rather receive text-formatted NEF e-mails, select "Text." Most recipients prefer HTML-formatted NEF e-mails.
- **Should this e-mail address receive general announcement notices from this court?** This option defaults to "Yes." Even if you select "No," please note your choice can still be overridden when the district court sends out an important e-mail announcement.

The configuration options for a secondary e-mail address also include the following option:

- **Should this e-mail address receive notice for all cases in which this individual is a participant?** (The referenced individual is the registered attorney.) This option defaults to "Yes." If the secondary e-mail address should not receive NEF e-mails each time something is filed in one of the registered attorney's cases, select "No." In the middle portion of the right pane, under **Case-specific options**, using the scroll bar, scroll through the list of cases in the **These cases will be sent notice per filing (default method)** box and select only those cases for which the secondary e-mail address recipient should receive NEF e-mails. Hold down the **Ctrl** key to select more than one case.

The most common **Case-specific** configuration options include the following:

- You can add a case so you will receive an NEF e-mail each time a document is filed in the case even if the registered attorney is not a participant in the case by entering the case number in the **Add additional cases for noticing** box in the middle portion of the right-hand pane and clicking on **Find this Case** and then clicking on **Add case(s)**.

IMPORTANT If you receive an NEF e-mail for a document filed in a case in which the registered attorney is not a participant, the recipient will not get a free look at the document and will be charged PACER access fees to look at the document.

- If you normally receive a daily summary report, you can receive NEF e-mails on a per filing basis for selected cases by clicking on the case number or numbers (hold down the

Ctrl key to select more than one case) in the **These cases will send notice *per filing*** box in the middle portion of the right-hand pane and clicking on **Change selected cases to per filing**.

- If you normally receive NEF e-mails on a per filing basis, you can receive a daily summary report for selected cases by clicking on the case numbers in the **These cases will send notice *as a summary report*** box in the middle portion of the right-hand pane and clicking on **Change selected cases to notice as a summary report**.

When you are finished configuring your e-mail options, click on **Submit all changes** in the left-hand pane. Click on **Submit** again on the next screen so all of your cases are updated. You can click on the active **View/Hide case list** hyperlink associated with an e-mail address on the confirmation screen to see a list of cases for which that particular e-mail address will receive electronic notice.

Maintain Your Password

IMPORTANT Registered attorneys are required to safeguard their CM/ECF password and change it anytime they think it may have been compromised.

A registered attorney can use this utility to change the password on his or her CM/ECF user account. An approved non-prisoner pro se party should submit a completed [CM/ECF Information Update Form](#) to the Clerk's Office to change the password on his or her CM/ECF user account.

Your password is always hidden and represented by asterisks (*****) in the **Password** box on the **More User Information** screen. To change your password, delete and replace the asterisks in the **Password** box with a new password which consists of a minimum of eight characters, including upper- and lower-case letters and a digit or special character. When you have finished entering your new password, click on **Submit** and your new password will be saved. Make sure to keep a record of your new password.

If you lose or forget your login and/or password, call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual. For security reasons, the Clerk's Office will not release login or password information to anyone other than the registered attorney.

View Your Transaction Log

You can look at a history of your transactions in CM/ECF for a specified period of time by entering a Start Date and an End Date in the **View Transaction Log** utility. Use this utility to review your transactions and to verify the following:

- All of your submissions were accepted by the CM/ECF system
- Unauthorized persons haven't used your CM/ECF login and password

Change Client Code

When you log into PACER, you can enter a client code for billing purposes. You can change the client code any time during a pending CM/ECF session by entering a new client code in the **Change Client Code** utility and clicking on **Submit**. These codes will be reflected on the quarterly billing statement you receive from the PACER Service Center and can be utilized to track PACER access fees incurred on behalf of different clients. For more information about PACER, see the [PACER](#) section of this user manual.

Review Billing History

When you click on the **Review Billing History** utility, a new browser window will open and you will be redirected to a **PACER Login** screen where you can log into PACER and search for and review your detailed PACER transactions for up to a three-month period for a specific federal court or for all federal courts. Data will be retrieved and formatted based on options you select. For more information about PACER, see the [PACER](#) section of this user manual.

Show PACER Account

Clicking on the **Show PACER Account** utility will display the PACER account you are using during your current CM/ECF session. For more information about PACER, see the [PACER](#) section of this user manual.

Remove Default PACER Account

When logging into PACER, you have an option of clicking the **Make this my default PACER login** checkbox on the following PACER Login screen.

PACER Login

Instructions
Enter your PACER login and password. If you do not have a PACER login, you may register online at <http://www.pacer.gov>. If you have a CM/ECF filer login and password, and would like to automatically log in to PACER each time you log in as a filer, check the box below.

☐ Make this my default PACER login
After checking this box, you will only need to use your **CM/ECF** login and password, either for electronic filing or for viewing documents via PACER.

Authentication

Login:
Password:
Client code:

Login Reset

Notice
An access fee of \$0.10 per page or \$2.40 per document with an audio attachment, as approved by the Judicial Conference of the United States, will be assessed for access to this service. For more information about CM/ECF, [click here](#) or contact the PACER Service Center at (800) 676-6856.

CM/ECF has been tested with Firefox and Internet Explorer 8 and 9.

When you click this checkbox, your PACER login and password are stored with your CM/ECF user account information. All PACER access fees incurred during future CM/ECF sessions will be billed to this PACER account and you will not have to enter your PACER login information each time. You can remove this default association using the **Remove Default PACER Account** utility. For more information about PACER, see the [PACER](#) section of this user manual.

Court Information

The **Court Information** utility displays the following information about the United States District Court for the District of South Dakota:

- Court Details
- Court Location
- Court Offices
- PACER Details
- Flag Definitions

The **Court Information** utility also includes a link to the district court's RSS feed. You must have an RSS feed reader to access the RSS feed. (Most web browsers have a built-in RSS feed reader.) Clicking on the active hyperlink for the RSS feed brings up a screen containing a list of the most recent submissions to this district court's CM/ECF system. Each entry on the list includes an active case number hyperlink, an active document number hyperlink (if there is an associated document), and the name of the event used to file the document. When you click on an active case number or document number hyperlink, you will be routed to a **PACER Login** screen. If you continue, you will incur applicable PACER access fees when accessing

documents and other case information stored in CM/ECF. For more information about PACER, see the [PACER](#) section of this user manual.

Legal Research

Clicking on one of the following active hyperlinks in the **Legal Research** utility opens a new web browser window for a non-judiciary website:

- Law Dictionary
- Medical Dictionary
- Westlaw via the Internet
- LexisNexis

Mailings

The **Mailings** utility provides you with the following two options:

- Mailing Info for a Case: After entering a particular case number, the system displays a list of case participants who will receive electronic notice and a separate list of case participants who will require manual service when something is filed in the case.
- Mailing Labels by Case: After entering a particular case number, the system allows you to print mailing labels for the judges and/or attorneys involved in the case.

Verify a Document

The **Verify a Document** utility verifies whether the electronic “signature” on a document is the same signature that was on it when the document was filed. If it is different, the document may have been altered.

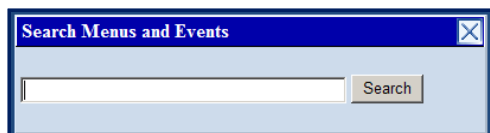
Review Announcement Notices

The **Review Announcement Notices** utility provides a chronological list of reviewable informational announcements which have been e-mailed to public users by this district court in the past.

SEARCH MENU

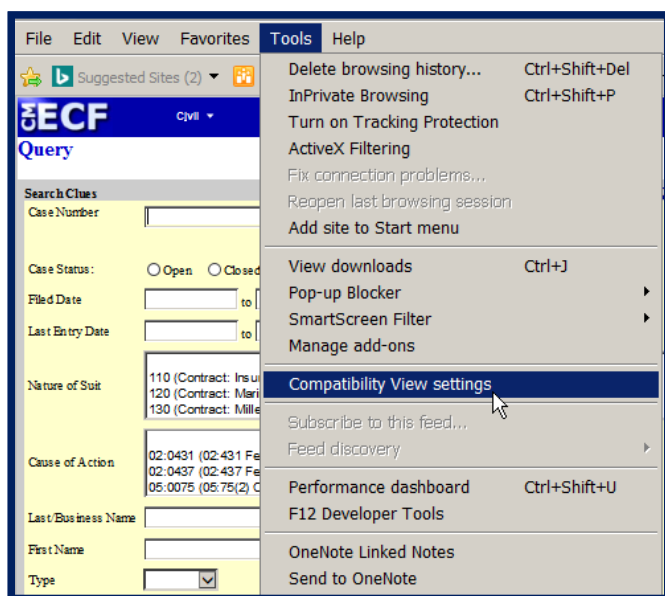


Clicking on **Search** on the blue menu bar in CM/ECF brings up the following search box:

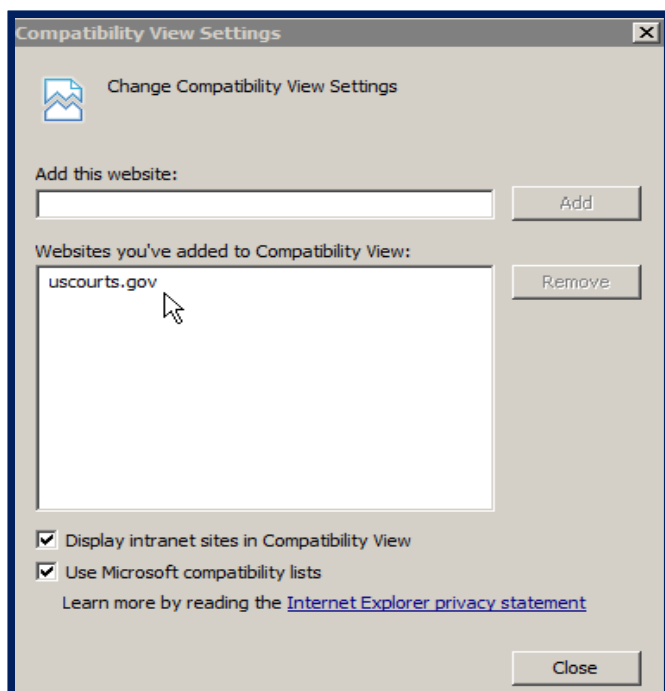


Typing a word or a partial word in the search box brings up a list of active hyperlinks for all CM/ECF menu items and events which contain the characters entered. Click on an active hyperlink to immediately go to that menu item or event.

If you click on the **Search** menu and nothing happens and you are using Internet Explorer (IE), try clicking on **Tools** on your IE toolbar and selecting **Compatibility View settings**.



When the following **Compatibility View settings** window opens up, it should say "uscourts.gov" in the **Add this website** box. If it does, click the on the **Add** button and then click on the **Close** button.

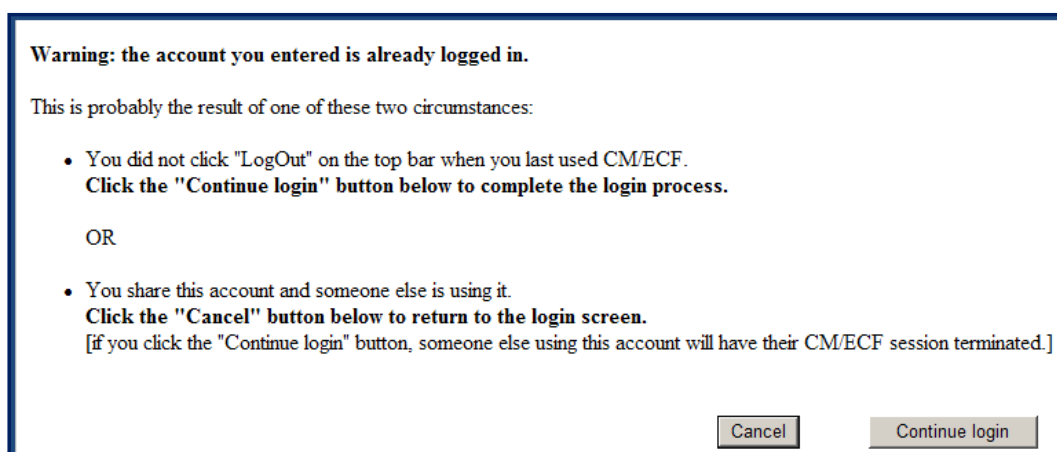


Your screen should refresh and the **Search** menu should now function properly.

LOGOUT



At the end of every CM/ECF session, log out by clicking on **Logout** on the blue menu bar. If you do not log out, you will see the following message the next time you log into CM/ECF.



If you see this message when you log into CM/ECF, click on the **Continue login** button to complete the login process.

4. CM/ECF ASSISTANCE

CLEARING YOUR WEB BROWSER'S CACHE

It is a good idea to periodically clear your web browser's cache (browsing history). The temporary internet files folder (cache) is the location on your computer's hard drive where web pages and files are stored as you view them. This is a good thing because it speeds up the display of pages you frequently visit or have already seen because your web browser can open them from your hard drive instead of having to search for them each time on the internet. This can also be a bad thing, however, when your cache becomes cluttered with too many temporary internet files and it begins to affect your computer's performance.

If you are experiencing computer performance issues when using CM/ECF, try deleting your cache and restarting your web browser.

TROUBLESHOOTING

Following are solutions for some of the most common problems experienced by people using CM/ECF:

Problem	Solution
I can't log into CM/ECF.	Your login and password are case sensitive. Make sure you are typing them correctly.
	If you forget or lose your CM/ECF login and password, contact the Clerk's Office for help resetting your password.
I can't file a document because the Civil or Criminal menus are missing on the blue menu bar.	You are logged into PACER, instead of CM/ECF. Log out of PACER, clear your web browser's cache, and log back in using your CM/ECF login and password.
I don't know which event to use to file a document.	Refer to the Civil Case Events List and the Criminal Case Events List document available on the district court's website.
	If you still don't know, call the Clerk's Office for assistance.
I'm having trouble locating the right event.	Try using the Search menu on the blue menu bar.
	If you're still having trouble, call the Clerk's Office for assistance.
I filed a document in the wrong case.	File a Notice of Filing Error and re-file the document in the correct case.

Problem	Solution
I filed the wrong document.	File a Notice of Filing Error and re-file the correct document. If the document which was filed in error should be sealed, immediately contact the Clerk's Office for direction on how to proceed. You may be directed to file a motion to seal.
I was unable to file a document in a timely manner due to a technical issue.	Apply to the court for relief.
I can't view a document from a hyperlink in an NEF e-mail.	If the NEF e-mail is more than 15 days old, the link has expired and is no longer active (or someone else has already used the link on behalf of the same authorized case participant). You must log into PACER to look at the document.
When I click on a document number hyperlink in an NEF e-mail, instead of receiving a free look at the document, I am routed to PACER where I have to pay to look at the document.	You only get one free look at the document. If you previously clicked on the hyperlink, you must pay PACER access fees to look at the document a second time. It's a good idea to either print or save the document the first time you look at it.
	If you inadvertently double-clicked on the hyperlink, you must pay a PACER access fee to look at the document. Do not double-click on the hyperlink.
I can't view a restricted document from a hyperlink in an NEF e-mail.	You must be logged into CM/ECF <u>before</u> you can access a restricted document from an NEF e-mail. Log into CM/ECF before clicking on the hyperlink in the NEF e-mail. See the ACCESSING RESTRICTED DOCUMENTS section of this user manual.
I can't view a restricted document from a hyperlink in an NEF e-mail for free.	Someone else with access to the authorized case participant's login and password has already accessed the restricted document. Only the first person who looks at a restricted document on behalf of an authorized case participant is able to look at the document for free.

If you still have problems using CM/ECF, call the Clerk's Office at one of the numbers listed in the [HELP DESK](#) section of this user manual.

HELP DESK

The district court's CM/ECF Help Desk is available by telephone at the numbers listed below:

- 605-330-6600 – Sioux Falls from 8 a.m. and 5 p.m. CST.
- 605-945-4600 – Pierre from 8 a.m. and 5 p.m. CST.

- 605-399-6000 – Rapid City from 8 a.m. and 5 p.m. MST.

You can also e-mail the CM/ECF Help Desk for assistance at ecfhelp@sdd.uscourts.gov.

Other CM/ECF resources are also available on the district court’s website located at www.sdd.uscourts.gov.

REVISION CONTROL LOG

Date on Cover	Date Posted	Comments	By
12/08/15	12/09/15	New manual	SST
12/15/15	12/15/15	Added Scanning, Best Practices section under Formatting PDF Documents for Filing section; added IMPORTANT notation at end of Filing Other Documents section	SST
02/18/16	2/22/16	Added Motions for Departure or Variance section under the Sealed Documents section; updated the Restricted Documents section; added paragraph on sentencing memoranda under the Filing Other Documents section; added information on restricted notices of filing error under the Documents Filed in Error section	SST
03/25/16	03/25/16	Added the first NOTE and revised the second NOTE under the Maintain Your E-Mail section; added Revision Control Log	SST
		Added “(or other court order)” to first sentence under Motions for Departure or Variance section	
		Made minor revisions to the Maintain Your Password section	
		Added last sentence to second paragraph under Exhibits and Attachments section	
1/27/17	1/27/17	Added several new sections; renamed several old sections; deleted one section; significantly updated entire manual.	SST
		Added information about filing sentencing memoranda, motions for departure, and motions for variance; transcripts, including public transcripts and restricted transcripts; NextGen; upgrading a PACER account; access level restrictions; requesting a refund of an erroneous Pay.gov payment; and getting the Search menu to function in IE	
1/30/17	1/31/17	Added the second to last paragraph to the Motions to Seal and their Attachments section. Added the last two paragraphs to the Accessing Restricted Documents section.	SST
2/1/17	2/2/17	Removed last two sentences from the second to last paragraph of the Motions to Seal and their Attachments section. Added the third paragraph to the Events section	SST

Date on Cover	Date Posted	Comments	By
4/7/17	4/7/17	Modified format of IMPORTANT/REMINDER messages; modified format of citations to local rules; added Recommended Special Conditions to RESTRICTED DOCUMENTS and Presentence Reports and Bail Reports sections; changed name of Presentence Reports and Bail Reports section to Presentence Reports, Bail Reports, and Recommended Special Conditions section; modified format of phone numbers in Help Desk section; modified Step 2 of instructions for filing a document during multiple transactions in Size of PDF Documents section.	SST
5/5/17	5/5/17	Shaded the table in the Size of PDF Documents section; added bookmarks; corrected formatting beginning on page 24; modified the Accessing Restricted Documents section.	SST
8/29/17	8/29/17	Edited Access Level Restrictions, Accessing Restricted Documents, How to Convert a Document to PDF, Ex Parte Events, and Documents E-filed in Error sections. Substituted screen shots on page 46 and on top of page 57.	SST
10/20/17	10/20/17	Edited Introduction, Mandatory E-Filing, Registration and Training, Exhibit and Attachments, Sealed Docket Entries, Sealed Documents, and E-Filing Other Documents sections. Fixed some broken links. Substituted screen shots on page 44, 46, 55, and 56.	SST
10/27/17	10/27/17	Edited Events and Sealed Docket Entries sections.	SST
1/1/2018	12/30/17	Added Filing Civil Case Initiating Documents and Step-by-Step Guide for E-filing a Civil Complaint in a Shell Case sections, revised the Notice of Electronic Filing (NEF) E-mail and The NEF Receipt sections, and generally updated the entire manual.	SST
1/8/18	1/8/18	Updated Registration and Training, How to Convert a Document to PDF, Preparing to E-file in CM/ECF, Step-by-Step Guide for E-filing a Civil Complaint in a Shell Case, The NEF Receipt, Civil Cases, and Criminal Cases sections and general updates.	SST
1/9/18	1/9/18	Revised Step-by-Step Guide for E-filing a Civil Complaint in a Shell Case section.	SST
1/18/18	1/22/18	Replaced the screen shots on page 48 and at the top of page 49.	SST
1/25/18	1/25/18	Revised the Exceptions to Mandatory E-Filing, Documents Subject to a Protective Order – Attachments, and Step-by-Step Guide for E-filing a Civil Complaint in a Shell Case sections	SST
2/7/18	2/7/18	Revised the Exceptions to Mandatory E-Filing, Documents Subject to a Protective Order – Main Document, Documents Subject to a Protective Order – Attachments, and Ex Parte Documents sections. Added Notices of Withdrawal and Substitution of Attorney (filed in criminal cases) section.	SST

Date on Cover	Date Posted	Comments	By
2/13/18	2/13/18	Revised the Mandatory E-Filing, Exceptions to Mandatory E-Filing Service of Documents, Notices of Withdrawal and Substitution of Attorney (filed in criminal cases), and Exhibits and Other Attachments sections. Substituted screen shots on pages 68 and 79.	SST
2/15/18	2/15/18	Revised the Mandatory E-Filing, Registration and Training, Filing Civil Case Initiating Documents, and Step-By-Step Guide for E-Filing a Civil Complaint in a Shell Case sections.	SST
4/20/18	4/20/18	Revised the Notice of Electronic Filing (NEF) E-Mail, E-filing Civil Case Initiating Documents, Sealed Docket Entries, Sealed Documents, Step-By-Step Guide for E-Filing a Civil Complaint in a Shell Case, The NEF Receipt, and Documents E-Filed in Error sections. Renamed the Filing Civil Case Initiating Documents section. Other general updates.	SST
4/27/18	4/27/18	Renamed The NEF Receipt, Documents Subject to a Protective Order – Document and Documents Subject to a Protective Order – Attachment sections. Other general updates.	SST
5/1/18	5/2/18	General updates.	SST